

(A)

Supreme Court Judgments

Metropolitan Toronto v. Forest Hill (Village)

Collection Supreme Court Judgments

Date 1957-06-26

Report [1957] SCR 569

Judges Kerwin, Patrick; Taschereau, Robert; Rand, Ivan Cleveland; Locke, Charles Holland; Cartwright, John Robert; Fauteux, Joseph Honoré G erald; Abbott, Douglas Charles

On appeal from Ontario

Subjects Municipal law

Supreme Court of Canada

Metropolitan Toronto v. Forest Hill (Village), [1957] S.C.R. 569

Date: 1957-06-26

The Supreme Court of Canada in 1957 (1) ruled that fluoridation was a "compulsory preventive medication", which is "not to promote the ordinary use of water as a physical requisite for the body" but has a "special health purpose". This ruling has never been contested by the Canadian Government.

The Municipality of Metropolitan Toronto (*Respondent*) *Appellant*;

and

The Corporation of the Village of Forest Hill (*Applicant*) *Respondent*.

1957: March 21, 22; 1957: June 26.

Present: Kerwin C.J. and Taschereau, Rand, Locke, Cartwright, Fauteux and Abbott JJ.

ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO.

Municipal corporations—Powers—Special statutory provisions—Provision of "pure and wholesome" water supply—The Municipality of Metropolitan Toronto Act, 1953 (Ont.), c. 73, s. 41.

By s. 41 of *The Municipality of Metropolitan Toronto Act*, the council is empowered to pass by-laws, *inter alia*, "to secure to the inhabitants of the Metropolitan Area a continued and abundant supply of pure and wholesome water".

Held (Kerwin C.J. and Locke J. dissenting): Neither this provision nor any applicable provision of any other statute empowers the appellant municipality to provide for the fluoridation of the metropolitan water supply with the object of preventing or lessening the incidence of tooth decay.

APPEAL from a judgment of the Court of Appeal for Ontario^[1] dismissing an appeal from a judgment of F.G. MacKay J.A.^[2] Appeal dismissed.



Health
Canada

Healthy Environments
and Consumer Safety
Branch

Santé
Canada

Direction générale,
Santé environnementale et
sécurité des consommateurs

SEE
PAGE 3
MAKING
THERAPEUTIC
CLAIMS

Water, Air and Climate Change Bureau
Safe Environments Directorate
269 Laurier Avenue West
Address Locator 4905D
Ottawa, Ontario K1A 0K9

December 22, 2011

Ms. Hazel McCallion, Mayor
City of Mississauga
300 City Centre Drive
Mississauga, Ontario L5B 3C1

REFERRAL TO _____
RECOMMENDED _____
DIRECTION REQUIRED _____
RECEIPT RECOMMENDED

Dear Mayor McCallion,

This is in response to your letter of December 20, 2011, addressed to Michèle Giddings, in which you seek information regarding fluoride in drinking water. I would like to use this opportunity to also provide some clarification on the information included

HE-C3 - 3 -

Finally, in response to your question regarding the regulation of fluoridation products by Health Canada, I would provide the following information: Fluoride, either offered for sale in a final dosage form, used in large concentration and with a drug delivery system (e.g., dental rinse, toothpaste) or labeled for therapeutic use (or making therapeutic claims), would be considered a drug under the *Food and Drugs Act* and regulated under the *Natural Health Product Regulations*. Where minerals are added or where food is fortified with a mineral (e.g., iron in cereals), the food does not become a drug. Fluoride used in drinking water fluoridation is not considered a drug under the *Food and Drugs Act* and cannot be regulated under the *Natural Health Product Regulations*.

For specific questions regarding the fluoridation of drinking water in Ontario, I would suggest you contact your provincial representative on the Federal-Provincial-Territorial Committee on Drinking Water, Dr. Satish Deshpande, at the following coordinates:

Mr. Satish Deshpande, Team Leader, Water Standards Section
Standards Development Branch, Ministry of the Environment
40 St. Clair Ave W, 9th Floor
Toronto, ON M4V 1M2
416-327-4689
Satish.Deshpande@ontario.ca

I hope that this information will be helpful for your Regional Council discussion. Please do not hesitate to contact me if you need clarification regarding the information I have provided in this letter.

Sincerely yours,

John Connor



HE - B1-3

Office of the Chair

February 6, 2012

Resolution No. 2012-14

The Honourable Leona Aglukkaq
Minister of Health
House of Commons
Ottawa, ON K1A 0A6

Dear Minister Aglukkaq:

Subject: Fluoride Levels in Community Drinking Water and Toothpaste

I am writing to advise that Peel Regional Council approved the following resolution at its meeting held on January 12, 2012:

"That the Region of Peel request that Health Canada regulate the fluorosilicates hexafluorosilicic acid (H_2SiF_6) and sodium silicofluoride (Na_2SiF_6), used as a treatment for dental cavities in drinking water, as drugs under the Food and Drugs Act;

And further, that all chemicals, especially fluorosilicates, added to drinking water for the purpose of treating dental decay undergo new drug applications and be assigned drug numbers by Health Canada;

And further, that classification of fluorosilicates as drugs shall be based on at least one long-term toxicology study to determine health effects in humans;

And further, that at least one properly conducted, double blinded, randomized placebo controlled clinical trial be used to provide effectiveness as the basis for a new drug classification;

And further, that the Region of Peel make the above recommendations to Health Canada to reassure the citizens of Peel that the use of fluorosilicates added to drinking water for the purpose of treating dental decay is safe and what the health effects are;

And further, that a copy of this resolution be sent to the Federal and Provincial Minister of Health, and Peel area MPs and MPPs;

And further, that Peel MPs and MPPs be requested to follow up on this issue with the Ministers of Health and report back to Regional Council with a response."

HE-B1-4

2.

Resolution No. 2012-14

On behalf of Regional Council, I request that you give consideration to the above resolution as soon as possible. Please quote the Region of Peel's resolution number in your reply.

Sincerely,



Emil Kolb
Regional Chair and Chief Executive Officer

EK:tr

c: Janette Smith, Commissioner of Health
Dr. David Mowat, Medical Officer of Health

Also sent to:

Dr. Peter Cooney
Chief Dental Officer
Health Canada
A.L. 1501A, Tunney's Pasture
Ottawa, Ontario K1A 0K9
Canada

The Honourable Deb Matthews
Minister of Health and Long-Term Care
10th Floor, Hepburn Block
80 Grosvenor Street
Toronto, Ontario M7A 2C4

Dr. Arlene King
Chief Medical Officer of Health
Public Health Division
11th Floor, Hepburn Block
Queen's Park
Toronto, Ontario M7A 1R3

Also Copied:

Eve Adams, MP – Mississauga-Brampton South
Stella Ambler, MP – Mississauga South
Brad Butt, MP – Mississauga-Streetsville
Bob Dechert, MP – Mississauga-Erindale
Parm Gill, MP – Brampton-Springdale
Bal Gosal, MP – Bramalea-Gore-Malton

HE-BI-1

Minister of Health



Ministre de la Santé

Ottawa, Canada K1A 0K9

APR 04 2012

Mr. Emil Kolb
Regional Chair and Chief Executive Officer
Regional Municipality of Peel
10 Peel Centre Drive
Brampton, Ontario L6T 4B9

Regional Municipality of Peel
Office of the Regional Chair

APR 17 2012

RECEIVED

Dear Mr. Kolb:

Thank you for your correspondence of February 6, 2012, concerning Peel Regional Council's resolution to request that Health Canada regulate fluorosilicates (i.e., hexafluorosilicic acid and sodium silicofluoride) as drugs under the *Food and Drugs Act*. I regret the delay in responding.

In Canada, responsibility regarding the safety of drinking water generally lies with the provincial and territorial governments. Health Canada worked with the provinces and territories, through the Federal-Provincial-Territorial Committee on Drinking Water, to develop the *Guidelines for Canadian Drinking Water Quality*. The provinces and territories use the Guidelines to establish their own requirements for drinking water quality and have sole responsibility regarding implementation. For that reason, your request that Health Canada regulate municipal drinking water supply treatment chemicals as drugs is an issue that falls outside the jurisdiction of the *Food and Drugs Act*.

With respect to your request regarding a long-term toxicology study, Health Canada recommends that drinking water treatment additives such as fluoridation agents be certified to the appropriate standard, specifically NSF/ANSI Standard 60: Drinking Water Treatment Chemicals. Health Effects. This standard requires a toxicology review of the product to ensure its safety at the maximum use level and to evaluate potential contaminants in the product.

Regarding human clinical evidence of the efficacy of adding fluoride to water supplies, most published scientific studies on the effectiveness of water fluoridation are based on comparisons between communities with minimal fluoride levels in the water supply versus communities with fluoridation, rather than a clinical intervention. The first controlled clinical trial at a community level was conducted in the U.S. and published in 1956; a recent human double-blind placebo-controlled clinical trial on how effectively fluoride is taken up from drinking water was conducted in the U.K. in 2005.

LEGISLATIVE SERVICES	
COPY TO:	FOR:
Chair	<input checked="" type="checkbox"/> Committee
CAO	<input checked="" type="checkbox"/>
Corporate Services	<input type="checkbox"/> Council
Public Works	
Employee and Business Services	
Health Services	<input checked="" type="checkbox"/> File MOH
Human Services	
Peel Living	



REFERRAL TO: _____
RECOMMENDED _____
DIRECTION REQUIRED _____
RECEIPT RECOMMENDED

.../2



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 NATIONAL RISK MANAGEMENT RESEARCH LABORATORY
 CINCINNATI, OH 45228

November 16, 2000

OFFICE OF
 RESEARCH AND DEVELOPMENT

Roger D. Masters
 Research Professor of Government
 Dartmouth College
 Department of Government
 6108 Silsby Hall
 Hanover, New Hampshire 03755-3547

Dear Professor Masters:

We have received your letter dated September 27, 2000, requesting empirical scientific data we may have on the health effects of fluosilicic acid or sodium silicofluoride and manganese neurotoxicity.

To answer your first question on whether we have in our possession empirical scientific data on the effects of fluosilicic acid or sodium silicofluoride on health and behavior, our answer is no. Health effects research is primarily conducted by our National Health and Environmental Effects Research Laboratory (NHEERL). We have contacted our colleagues at NHEERL and they report that with the exception of some acute toxicity data, they were unable to find any information on the effects of silicofluorides on health and behavior.

In answer to your question on empirical information we may have on manganese neurotoxicity, NHEERL scientists forwarded to us several manuscripts with reference sections that contain information on the neurotoxicity of manganese. These are enclosed for your information.

I apologize for the delay in responding to your request and hope you find the enclosed information useful.

Sincerely,

Robert C. Thurnau, Chief
 Treatment Technology Evaluation Branch
 Water Supply and Water Resources Division

Enclosures

Access to Information and Privacy Division
7th Floor, Suite 700, Holland Cross, Tower B
1600 Scott Street
Address Locator: 3107A
Ottawa, Ontario K1A 0K9

Our file: A-2014-00168 / na

May 26, 2014

Joanne David
<address snipped>
EDMONTON AB T6R 0B4

Dear Ms. David:

This is in response to your request under the *Access to Information Act* (the *Act*) for: **Clarified Request Text:**

Reports, studies, toxicology and clinical tests relating to hydrofluosilicic acid in Canadian tap water

Original Request Text:

Documents pertaining specifically to hydrofluosilicic acid in Alberta and Canadian tap water:

- Studies from 1940 showing dental efficacy and human safety.
- Studies from 1950s showing dental efficacy and human safety.
- Any double blind study done by Canada or any province showing dental efficacy and human safety, of any date.
- Any double blind study done by anywhere in the world that was considered.
- Any toxicity study, of any date, done by Canada or the world that was considered.
- Evidence of any kind (not opinion) that shows statistical viability of water fluoridation in terms of efficacy, and margin of error calculations.
- Evidence of any kind (not opinion) that shows statistical viability of water fluoridation in terms of human safety over a life-time, and margin of error calculations.
- Evidence of any kind (not opinion) that shows statistical viability of water fluoridation in terms of human safety, and margin of error calculations, for infants, young children, elderly, or any adult with disability, diabetes, bone disease, autism, thyroid ailments, kidney disease, etc.
- Evidence of any kind of consideration of human rights and medical ethics, namely our human right to opt out of the forced water fluoridation program, and if that consideration exists, why the overriding of these well-established medical standards are breached.

After a thorough search for the requested information, no records were located which respond to your request.

If you have any questions or concerns about the processing of your request, please do not hesitate to contact Nancy Armstrong, the analyst responsible for this request, either by phone at (613) 960-4457, or by fax at (613) 941-4541, or by e-mail at nancy.armstrong@hc-sc.gc.ca with reference to the file number cited above.

Please be advised that you are entitled to complain to the Office of the Information Commissioner of Canada concerning the processing of your request within 60 days of the receipt of this notice. In the event you decide to avail yourself of this right, your notice of complaint should be addressed to:

Office of the Information Commissioner of Canada
30 Victoria Street
Gatineau, Québec K1A 1H3

Yours sincerely,



Amanda Wilson
Coordinator, Access to Information and Privacy Division

Sprovieri, John Councillor

From: Christine Massey <cmssyc@gmail.com>
Sent: 2016/01/10 9:15 PM
To: Vladimir Gagachev
Cc: alissterpstra@gmail.com; Rob; Diane Sprules; Heather Gingerich; Liesa Cianchino; Mary Pearson; Gerry Cooper; CHRIS GUPTA; Robert Fleming; Peter Van Caulart; Hardy Limeback; Mark Corlett; Gilles Parent; James & Elia Beck; Sprovieri, John Councillor
Subject: letter from NSF to Dr. Bill Osmunson dated January 2, 2007 ??

Hello and Happy 2016, Everyone. :)

Councillor John Sprovieri here in Peel Region has asked for a copy of the letter from the NSF to Dr. Bill Osmunson dated January 2, 2007, which stated:

"The NSF International does not evaluate safety of the chemicals added to water for the purpose of the treatment or mitigation of disease in humans, and does not evaluate the product added to water but only the impurities within the product."

He hopes to use it for Peel Council's upcoming workshop.

If anyone has a copy, it would be greatly appreciated if you would forward it to him at John.Sprovieri@brampton.ca.

Thanks!
Christine

... at last

To: Councillor John Sprovieri **Date:** June 24, 2014
From: Janette Smith, Commissioner **Subject:** Response to Fluoride
Dr. David Mowat, Medical Officer Related Questions
of Health
cc: Emil Kolb, Regional Chair **Our File:**
Patrick O'Connor, Regional
Solicitor & Director, Legal
Services

John,

In follow up to the meeting we had with Patrick O'Connor and yourself regarding community water fluoridation, we are providing answers to the four outstanding questions.

Health Canada and the United States Environmental Protection Agency (USEPA) worked with NSF International and others to create the NSF/ANSI 60 purity standard for all chemicals used to treat drinking water, including those used for fluoridation. NSF 60 includes a process for the toxicological evaluation of all treatment chemicals and for the impurities that they contain. When toxicological limits for a substance have previously been determined by Health Canada or the USEPA, the NSF 60 standard uses these established limits in their assessment.

When HFSA is added to our water, the concentration of fluoride ions is increased, but trace amounts of other elements like lead and arsenic can also be present. The NSF looks to the toxicology studies that Health Canada and the USEPA have performed, and to the maximum limits that they have set for these impurities in water.

In 2011, Health Canada found that "The weight of evidence from all currently available studies does not support a link between exposure to fluoride in drinking water at 1.5 mg/L and any adverse health effects." It is important to note that the Region of Peel fluoridates to a level of 0.7 mg/L, which is less than half the level where Health Canada found no harmful effects.

Health Canada toxicology evaluations:

Fluoride:

www.hc-sc.gc.ca/ewh-semt/pubs/water-eau/2011-fluoride-fluorure/index-eng.php

Arsenic: www.hc-sc.gc.ca/ewh-semt/pubs/water-eau/arsenic/index-eng.php

Lead: www.hc-sc.gc.ca/ewh-semt/pubs/water-eau/lead-plomb/index-eng.php

Index of Health Canada evaluations:

www.hc-sc.gc.ca/ewh-semt/pubs/water-eau/index-eng.php#guidance



THE REGIONAL MUNICIPALITY OF PEEL
COMMUNITY WATER FLUORIDATION COMMITTEE
MINUTES

CWFC - 6/2016

The Region of Peel Community Water Fluoridation Committee met on November 24, 2016 at 8:38 a.m., in the Regional Council Chamber, 5th Floor, Regional Administrative Headquarters, 10 Peel Centre Drive, Suite A, Brampton.

Members Present: F. Dale; J. Downey; A. Groves; M. Palleschi; C. Parrish*; K. Ras; J. Sprovieri; J. Tovey

Members Absent: Nil

Also Present: D. Szwarc, Chief Administrative Officer; J. Smith, Commissioner of Health Services; Dr. E. de Villa, Medical Officer of Health; D. Labrecque, Commissioner of Public Works; P. Caza, Acting Regional Solicitor; K. Lockyer, Regional Clerk; V. Montesdeoca, Committee Clerk; R. Comacchio, Legislative Technical Coordinator

Chaired by Councillor J. Sprovieri.

TOXIC ST-2016

In response to the Committee's interest regarding toxicology studies, Dr. de Villa noted that Health Canada had set the optimal level of fluoride in drinking water based on the review of over 430 studies which include toxicological studies and that the studies show that at the optimal level, fluoride did not pose a risk to human health. In respect to the additive hydrofluorosilicic acid (HFSA), Dr. de Villa stated that HFSA dissociates when mixed with drinking water, which means that the fluoride ion, silicates (sand) and hydrogen separate from one another. In other words, when the water leaves the treatment plant and is consumed, there is no HFSA present.

Dr. de Villa also addressed concerns previously raised by the Committee regarding residuals such as lead and arsenic present in HFSA and noted that the Region of Peel's water is monitored for these residuals. With such controls in place, the levels of residuals in fluoridated water are maintained at less than 10 per cent of the maximum allowable concentration set by Health Canada. Dr. de Villa further noted that if fluoride was not added to Peel's water supply, the levels of arsenic and lead found in treated water would not be reduced in any substantial way.

WHAT IS HFSA? Research by Province.

With respect to clarification on the terminology of fluoride and who is responsible for HFSA approval, Dr. de Villa stated that fluoride is an abundant naturally occurring ion of the element fluorine which is classified and regulated depending on the purpose and context within which it is used. In the context of community water fluoridation, given provincial jurisdiction relating to drinking water, community water fluoridation is provincially regulated.

In response to the Committee's request regarding available data in respect to how much lead, arsenic and mercury can accumulate in the body before it becomes a health hazard, Dr. de Villa stated that guideline levels are set by the Ministry of Environment and Climate Change for drinking water and that staff in Public Works can attest to the Region's compliance to all standards for drinking water as delineated by the Ministry.

Sprovieri, John Councillor

From: Sprovieri, John Councillor
Sent: 2017/08/31 12:37 PM
To: Sprovieri, John Councillor
Subject: FW: Studies - Community Water Fluoridation

From: Loh, Lawrence [mailto:lawrence.loh@peelregion.ca]
Sent: 2017/07/21 4:01 PM
To: Sprovieri, John Councillor

Thanks Councillor Sprovieri. Your clarification suggests that your request is contradictory as it asks for toxicology studies at a population level.

Typically, toxicology studies are done in a controlled laboratory setting, and population level studies that are conducted with broader potential impacts in mind.

To my professional opinion we have furnished you studies that meet the request you made at council for "a study that demonstrates the safety of water fluoridation."

Should you wish for de novo toxicology research, we will refer your request to the community water fluoridation committee.

Sincerely
Lawrence Loh

Lawrence C. Loh, MD, MPH, CCFP, FRCPC, FACPM
Medical Officer of Health (A)
Peel Public Health
7120 Hurontario Street, 7th Floor
Mississauga, ON L5M 2C2

905-791-7800 extension 2566
lawrence.loh@peelregion.ca

From: Sprovieri, John Councillor <John.Sprovieri@brampton.ca>
Sent: July 21, 2017 11:54:22 AM
To: Dobush, Olha
Cc: Loh, Lawrence; Polsinelli, Nancy; Lockyer, Kathryn; Pedra, Inga; Fry, Scott; Parrish, Carolyn; Fitzpatrick, Sandra
Subject: RE: Studies - Community Water Fluoridation

Thank you for the information Olha.

The material that you have send me is not what I expecting to get. I have gone through the Cochrane review and it does not appear to be a good review. The authors of the review concluded that all studies had a high risk of bias, and I didn't see anywhere in the study where health effects of water fluoridation was Reviewed.

As for the Australian review, the only side effect evaluated was Dental Fluorosis. There is no mention on how Water Fluoridation effects, the fetus, infants, seniors, and medically vulnerable people that have Iodine-deficiencies and Kidney-impairment.

As per Health Canada's response dated April 4, 2012 to a council resolution, Health Canada recommends Toxicology reviews be done on the fluoridation product to ensure its safety at the maximum use level.

Can you let me know if you have any Toxicology studies or reviews that you can provide me or are in the library that supports staffs assertion that Water Fluoridation is Safe?

In case I have missed the safety information that I was expecting in these two reports, can we set up a meeting with the appropriate staff to go over the reviews?

John.

John Sprovieri
Regional Councillor for wards 9 & 10
City of Brampton
(905) 874-2610

"There are no NDAs [New Drug Applications] on file with FDA covering fluoride supplements for infants."

SOURCE: Frank Fazzari, Food & Drug Administration, January 28, 1993. [See document]

On January 13, 2016, the FDA issued a Warning Letter to a pharmaceutical company (Kirkman Industries, Inc.), ordering the company to "discontinue marketing all of the unapproved prescription drugs manufactured at [the] facility immediately." The unapproved prescription drugs that FDA identified were fluoride "supplements."

Fluoride supplements are sodium fluoride containing drops, tablets, and lozenges that are sold for the purpose of preventing tooth decay. FDA's Warning Letter makes clear that marketing fluoride supplements as cavity preventatives violates federal law because the FDA has never approved fluoride supplements as safe and effective for this purpose.

The FDA's Warning Letter is a commendable step in the right direction, but FDA should not limit its enforcement action against fluoride supplements to Kirkman, as there are other, **larger** companies that are currently making and selling the **very same fluoride supplements**, and these drugs are being sold throughout the country by the nation's four largest pharmacies: Walgreens, CVS, Rite Aid, and Walmart. Each and every one of the issues that FDA identified with Kirkman's fluoride supplements applies with equal force to the fluoride supplements being manufactured and sold by these companies.

The unlawful actions of fluoride supplement manufacturers and sellers are unnecessarily placing millions of children in harm's way.

An overwhelming body of evidence shows that fluoride works topically, not by ingestion, so there is no need for children to be swallowing *any* fluoride, whether in drops, tablets, or any other form. The prestigious Cochrane Collaboration has concluded that fluoride supplements are ineffective and unnecessary.

Fluoride supplements are not just ineffective, they're dangerous. Fluoride is now classified as a developmental neurotoxin and endocrine disrupting substance. Ingesting fluoride during early childhood poses serious potential risks to brain development and thyroid health, as well as other harm, including dental fluorosis, bone fragility, and osteosarcoma.

The problem today is not under-exposure to fluoride, but over-exposure. The most recent national survey by the U.S. Centers for Disease Control shows that up to 64% of adolescents now have dental fluorosis, with up to 29% of children having advanced forms of this condition. Fluorosis is a visible mineralization defect of tooth enamel caused by excessive fluoride intake, which can be disfiguring when present on a child's front teeth.

Rather than continuing to increase children's intake of fluoride, the urgent need now is to find ways to reduce it. Removing unapproved, ineffective, and dangerous fluoride supplements from the market is one important and obvious way to do so.

Sprovieri, John Councillor

From: Sprovieri, John Councillor
Sent: 2017/04/04 10:54 AM
To: Sprovieri, John Councillor
Subject: FW: mass medication

The Supreme Court of Canada has found that the liberty interest protected by s. 7 includes the right to make fundamental personal choices free from state interference.³⁰ In the context of medical treatment, the Ontario Court of Appeal has held that the right not to be subject to medical treatment without informed consent is an aspect of the security of the person interest under s. 7. ³¹ Section 7 thus protects “the right to be free from unwanted medical treatment.”³² To deprive individuals of the ability to make decisions with respect to their treatment and to force them to submit to medication against their competent wishes infringes the Charter right to security of the person as protected under s. 7 of the Charter.³³

Health Care Consent Act, 1996 (applies to the Medical Officers if they treat someone, but not Councillors, as far as I can tell): <https://www.ontario.ca/laws/statute/96h02>

“health practitioner” means a member of a College under the Regulated Health Professions Act, 1991 or a member of a category of persons prescribed by the regulations as health practitioners; (“praticien de la santé”)

Consent to Treatment

No treatment without consent

10. (1) A health practitioner who proposes a treatment for a person shall not administer the treatment, and shall take reasonable steps to ensure that it is not administered, unless,

(a) he or she is of the opinion that the person is capable with respect to the treatment, and the person has given consent; or

....Elements of consent

11. (1) The following are the elements required for consent to treatment:

- 1. The consent must relate to the treatment.*
- 2. The consent must be informed.*
- 3. The consent must be given voluntarily.*
- 4. The consent must not be obtained through misrepresentation or fraud. 1996, c. 2, Sched. A, s. 11 (1).*