

**SUPREME COURT
OF CANADA**

**COUR SUPRÊME
DU CANADA**

**BULLETIN OF
PROCEEDINGS**

**BULLETIN DES
PROCÉDURES**

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May 2, 1997

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le 2 mai 1997

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**APPLICATIONS FOR LEAVE TO
APPEAL FILED**

**DEMANDES D'AUTORISATION
D'APPEL DÉPOSÉES**

Privest Properties Ltd. et al.

D.W. Roberts, Q.C.
Roberts & Griffin

v. (25952)

The Foundation Co. of Canada Ltd. et al. (B.C.)

R.J. McDonell
Farris, Vaughan, Wills & Murphy

FILING DATE 17.4.1997

Kamran Moghbel

Kamran Moghbel

v. (25953)

Her Majesty The Queen (F.C.A.)

Marie Nichols, Q.C.
Dept. of Justice

FILING DATE 24.4.1997

Robert Leighton Cook et al.

Howard Shapray
Shapray Cramer & Associates

v. (25954)

**Parcel, Mauro, Hultin & Spaanstra, P.C., a law
firm (B.C.)**

Jack Giles, Q.C.
Farris, Vaughan, Wills & Murphy

FILING DATE 21.4.1997

Laurentian Pacific Insurance Co. et al.

Eric Macklin, Q.C.
Duncan & Craig

v. (25955)

**General Accident Assurance Co. of Canada et al.
(Alta.)**

Gregory W. Jaycock
Parlee McLaws

FILING DATE 22.4.1997

**APPLICATIONS FOR LEAVE
SUBMITTED TO COURT SINCE LAST ISSUE**

DEMANDES SOUMISES À LA COUR DEPUIS LA DERNIÈRE PARUTION

APRIL 25, 1997 / LE 25 AVRIL 1997

**CORAM: Chief Justice Lamer and Cory and McLachlin /
Le juge en chef Lamer et les juges Cory et McLachlin**

Michael Capobianco, Serge Groleau, Daniel Langlois et Richard Robillard

c. (25725)

Sa Majesté la Reine (Crim.)(Qué.)

NATURE DE LA CAUSE

Charte canadienne des droits et libertés - Droit criminel - Preuve - Stupéfiants - Législation - Interprétation - Interception de communications privées - Validité d'autorisations d'écoute électronique - Le Solliciteur général du Québec était-il habilité, par l'art. 186(5) du *Code criminel*, à désigner les personnes pouvant intercepter les communications? - Les perquisitions ayant donné lieu à la saisie des factures de téléphone chez Bell Canada étaient-elles abusives? - La Cour d'appel et le juge de première instance ont-ils mal appliqué les règles relatives à la révision des autorisations? - L'abrogation de l'art. 189(1) du *Code criminel* a-t-elle pour effet de priver les demandeurs du bénéfice de l'exclusion automatique des interceptions qui n'ont pas été faites légalement et, subsidiairement, les interceptions devaient-elles être exclues en vertu de l'art. 24(2) de la *Charte*?

HISTORIQUE PROCÉDURAL

Le 19 octobre 1994
Cour supérieure du Québec (Pinard j.c.s.)

Demandeurs déclarés coupables de divers actes
criminels en matière de stupéfiants

Le 13 novembre 1996
Cour d'appel du Québec
(Beauregard, Fish et Nuss jj.c.a.)

Pourvois rejetés

Le 16 janvier 1997
Cour suprême du Canada (L'Heureux-Dubé j.)

Requête en prorogation de délai et pour obtenir la
permission de déposer un mémoire plus long accordée

Le 13 février 1997
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Robert Stewart and Richard Mallory

v. (25836)

Her Majesty The Queen (Crim.)(Ont.)

NATURE OF THE CASE

Procedural law - Appeal - Courts - Jurisdiction - *Canadian Charter of Rights and Freedoms* - Criminal law - Whether the Supreme Court of Canada has the jurisdiction to hear an appeal from an interlocutory order by parties in a criminal matter - Whether a justice of a superior court had the jurisdiction to hear an application for a section 24(1) *Charter* remedy, where there were allegations of a reasonable apprehension of bias on the part of the assigned trial judge - Whether there is a reasonable apprehension of bias where the trial judge presiding over the jury trial of two Applicants charged with two counts of first degree murder, was also the trial judge in a jury trial convicting the Applicants' two co-accused.

PROCEDURAL HISTORY

December 16, 1996
Ontario Court (General Division)
(Lesage C. J.)

Application for order prohibiting trial judge from
presiding over trial due to reasonable apprehension of
bias, dismissed

January 14, 1997
Ontario Court (General Division) (McWilliam J.)

Application for court to recuse itself, dismissed

February 14, 1997
Supreme Court of Canada

Application for leave to appeal filed

Sa Majesté la Reine

c. (25862)

Daniel Cook (Crim.)(Qué.)

NATURE DE LA CAUSE

Droit criminel - La Cour d'appel du Québec a-t-elle erré en droit en ordonnant la tenue d'un nouveau procès pour deux motifs nullement invoqués par l'intimé, statuant ainsi *ultra petita* et violant la règle *audi alteram partem*? - La Cour d'appel a-t-elle erré en droit en privant la demanderesse d'invoquer les dispositions réparatrices prévues à l'article 686(1)b)iii) du *Code criminel*?

HISTORIQUE PROCÉDURAL

Le 25 septembre 1993
Cour supérieure du Québec (Pinard J.C.S.)

Déclaration de culpabilité: meurtre au premier degré

Le 22 janvier 1997
Cour d'appel du Québec
(Gendreau, Baudouin et Fish, J.J.C.A.)

Appel accueilli, ordonnance de nouveau procès

Le 26 février 1997
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Domenico Manno

v. (25745)

United States of America

- and -

Minister of Justice of Canada (Crim.)(Qué.)

NATURE OF THE CASE

Criminal law - Extradition - Double criminality - Extradition of fugitive sought on American offence of continuing criminal enterprise, which crime does not have an equivalent in Canadian law - Court of Appeal holding that the extradition judge had improperly considered foreign law in arriving at the conclusion that the extradition request could not be granted on the continuing criminal enterprise count - Whether Court of Appeal erred in law by confusing the test required for double criminality with the standard of evidence required pursuant to s. 13 of the *Extradition Act*, R.S.C. 1985, c. E-23.

PROCEDURAL HISTORY

January 17, 1996
Superior Court of Quebec (Béliveau J.S.C.)

Warrant of committal on counts 1 through 8; Applicant discharged on count of continuing criminal enterprise

November 19, 1996
Court of Appeal of Quebec
(Proulx, Delisle and Chamberland JJ.C.A.)

Appeal of the Respondent allowed; Applicant committed on the charge of continuing criminal enterprise; warrant of committal corrected

January 29, 1997
Supreme Court of Canada
(L'Heureux-Dubé J.S.C.)

Application for extension of time granted

February 7, 1997
Supreme Court of Canada

Application for leave to appeal filed

Stanley Gordon Johnson

v. (25814)

Her Majesty The Queen (Crim.)(N.S.)

NATURE OF THE CASE

Criminal law - Indians - Taxation - *Indian Act - Tobacco Tax Act*, R.S.N.S. 1989, c.470 - Provincially imposed quotas on tax-free access to personal property by Indians - Application of s. 87 of the *Indian Act* to Indians who are retail vendors selling goods on Indian reserve lands - Whether there is a legal obligation upon Indians in possession of goods on reserve for resale on reserve to explain the circumstances of their possession.

PROCEDURAL HISTORY

June 3, 1993
Nova Scotia Provincial Court
(Stroud J.)

Conviction: three charges of being a retail vendor in possession of tobacco not purchased from an authorized wholesale vendor contrary to the *Tobacco Tax Act*

April 5, 1996
Nova Scotia Supreme Court (Nathanson J.)

Appeal dismissed

December 6, 1996
Nova Scotia Court of Appeal
(Freeman, Bateman and Flynn JJ.A.)

Application for leave to appeal granted; appeal dismissed

March 3, 1997
Supreme Court of Canada

Application for leave to appeal filed

**CORAM: La Forest, Gonthier and Major JJ. /
Les juges La Forest, Gonthier et Major**

Richard Gerry White

v. (25775)

Her Majesty The Queen (Crim.)(Ont.)

AND BETWEEN:

Yves Rheal Cote

v. (25854)

Her Majesty The Queen (Crim.)(Ont.)

NATURE OF THE CASE

Criminal Law - Evidence - Whether consciousness of guilt evidence must be proven beyond a reasonable doubt - Whether trial judge failed to instruct jury properly regarding the need for evidence to support or confirm a witness's testimony - Whether trial judge erred in his jury instructions regarding evidence of planning and deliberation - Whether trial judge erred by excluding from the jury the possibility that reasonable doubt might arise from a lack of evidence - Whether trial judge erred in his jury instructions regarding motive - Whether trial judge erred in his jury instructions regarding verdicts - Whether trial judge erred in his jury instructions regarding use of prior criminal records.

PROCEDURAL HISTORY

APPLICATIONS FOR LEAVE
SUBMITTED TO COURT SINCE LAST ISSUE

DEMANDES SOUMISES À LA COUR DEPUIS
LA DERNIÈRE PARUTION

November 24, 1990
Supreme Court of Ontario (Isaac J.)

Convictions: first degree murder
Sentences: life imprisonment

June 28, 1996
Court of Appeal for Ontario (Morden C.J., Catzman,
Carthy, Doherty and Laskin JJ.A.)

Appeals dismissed

January 23, 1997
Supreme Court of Canada

Applications for extension of time and for leave to
appeal filed by Richard Gerry White

January 23, 1997
Supreme Court of Canada

Applications for extension of time and for leave to
appeal filed by Yves Rheal Cote

Samuel Parkinson

v. (25826)

Her Majesty The Queen (Crim.)(Ont.)

NATURE OF THE CASE

Criminal law - Evidence - Hearsay - Whether the trial judge erred in admitting statements made by the complainant to the police shortly after the alleged offence on the basis that the statements were necessary because of the complainant's ill health.

PROCEDURAL HISTORY

September 1, 1995
Ontario Court (General Division) (Mossop J.)

Conviction: break, enter and robbery; robbery; unlawful
confinement

October 2, 1996
Ontario Court of Appeal
(Catzman, Weiler, Abella JJ.A.)

Appeal dismissed

February 20, 1997
Supreme Court of Canada

Application for leave to appeal and motion for the
extension of time filed

Deltonia R. Cook

v. (25852)

Her Majesty the Queen (Crim.)(B.C.)

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Evidence - Voluntary exculpatory statement obtained in breach of s. 10(b) of the *Charter* - S. 24(2) *Charter* application - Whether the Court of Appeal erred in law in ruling that the trial judge properly allowed the Applicant to be cross examined on an illegally obtained statement acquired in breach of his *Charter* rights - Whether the Court of Appeal erred in law in ruling that the trial judge's instruction to the jury as to the use they could make of the Applicant's statement was adequate.

PROCEDURAL HISTORY

September 29, 1994
Supreme Court of British Columbia (Low J.)

Voir dire: Use of exculpatory statement for cross-examination would not breach s. 24(2) of the *Charter*

October 5, 1994
Supreme Court of British Columbia (Low J.)

Conviction: second degree murder

December 18, 1996
Court of Appeal for British Columbia
(Hinds, Donald and Newbury JJ.A.)

Appeal dismissed

February 17, 1997
Supreme Court of Canada

Application for leave to appeal filed

Caldwell & Ross Ltd.

v. (25882)

Her Majesty The Queen (Crim.)(N.B.)

NATURE OF THE CASE

Criminal law - Procedure - Whether trial judge erred in permitting Crown to amend Information at the close of the Crown's case "to conform with the evidence led at trial" when the information in question was known to the Crown before the Information was laid - Whether amendment of the Information at the close of the Crown's case denied the Applicant the right to make a full answer and defence.

PROCEDURAL HISTORY

January 26, 1995
Provincial Court of New Brunswick (Savoie P.C.J.)

Conviction: releasing a contaminant into water contrary to subs.12(1)of the *Clean Water Act*, S.N.B. 1989, c. C-6.1

April 30, 1996
Court of Queen's Bench of New Brunswick
(Miller J.)

Summary conviction appeal dismissed

January 9, 1996
Court of Appeal of New Brunswick
(Hoyt C.J.N.B. and Ryan and Turnbull JJ.A.)

Application for leave to appeal denied

March 10, 1997
Supreme Court of Canada

Application for leave to appeal filed

**CORAM: L'Heureux-Dubé, Sopinka and Iacobucci JJ. /
Les juges L'Heureux-Dubé, Sopinka et Iacobucci**

Rodney Vincent Charette

v. (25870)

Her Majesty The Queen (Crim.)(Alta.)

NATURE OF THE CASE

Criminal law - Evidence - Impaired driving - Whether an offer of a blood sample is a suitable alternative to a breath sample demanded under s. 254 of the *Criminal Code of Canada* - Whether the failure to ascertain that it would be safe to obtain a blood sample is relevant in this case - Whether the Applicant should have been informed that his failure to provide a blood sample would result in a criminal charge pursuant to the s. 254 breath demand - Whether a s. 254(2) demand can be made to someone who is not operating or in care or control of a motor vehicle - Whether the verdicts are inconsistent and the judgment was, in its totality, unreasonable.

PROCEDURAL HISTORY

May 1, 1996
Alberta Court of Queen's Bench
(Smith J.)

Conviction: one count of failing or refusing to comply with a screening test demand; acquittal: failing or refusing to comply with a blood demand

January 9, 1997
Court of Appeal of Alberta
(Fraser C.J.A., Berger J.A., Veit J.)

Appeal dismissed

March 10, 1997
Supreme Court of Canada

Application for leave to appeal filed

William Mullins-Johnson

v. (25860)

Her Majesty The Queen (Crim.)(Ont.)

NATURE OF THE CASE

Criminal law - Unreasonable verdict - Whether the Respondent's cross-examination of the Applicant with respect to this prior psychiatric history and disposition for violence was improper - Whether the trial judge erred in not giving the jury a limiting instruction with respect to the Respondent's cross-examination - Whether the Court of Appeal correctly applied the curative proviso.

PROCEDURAL HISTORY

September 21, 1994
Ontario Court (General Division) (Noble J.)

Conviction: first degree murder

December 19, 1996
Ontario Court of Appeal (Catzman, Labrosse JJ.A.,
Borins J.(ad hoc) [dissenting])

Appeal dismissed

February 28, 1997
Supreme Court of Canada

Application for leave to appeal, notice of appeal as of
right and motion for the extension of time filed

Anthony Othniel Allison

v. (25876)

Her Majesty The Queen (Crim.)(Ont.)

NATURE OF THE CASE

Criminal law - Evidence - Identification evidence - Dock identification - Whether the trial judge erred in not excluding the dock identification - Whether the trial judge adequately warned the jury as to the limited value of a dock identification - Whether the trial judge erred in admitting evidence concerning the police investigation and the unavailability of witnesses - Whether the trial judge erred in admitting evidence of the Applicant's surrender with counsel and of his assertion of the right to remain silent.

PROCEDURAL HISTORY

May 21, 1993
Ontario Court (General Division) (McMurtry J.)

Conviction: second degree murder

April 18, 1996
Ontario Court of Appeal
(Houlden, Abella, Moldaver JJ.A.)

Appeal dismissed

March 10, 1997
Supreme Court of Canada

Application for leave to appeal and motion for the
extension of time filed

Melbin Cezar Sarabia

v. (25790)

The Owners and All Others Interested in the Ship “Oceanic Mindoro” (B.C.)

NATURE OF THE CASE

International - Conflict of laws - Forum selection clause - Stay of proceedings - Are forum selection clauses in employment contracts to be interpreted in the same manner, and given the same deference, as forum selection clauses in international commercial contracts - Has the Court of Appeal devised and applied different Canadian rules for the construction of this foreign contract than apply for the construction of contracts generally.

PROCEDURAL HISTORY

July 24, 1995
Supreme Court of British Columbia
(Coultas J.)

Application for determination of questions of law in the
form of a special case: Applicant's action for damages
may be brought in the forum of his choice

November 6, 1996
Court of Appeal for British Columbia
(Legg, Finch and Huddart JJ.A.)

Appeal allowed: Respondent's application for a stay
granted

January 30, 1997
Supreme Court of Canada

Application for leave to appeal filed

MAY 1, 1997 / LE 1 MAI 1997

25546 **ELOUISE LORD v. CATHOLIC PUBLIC SCHOOLS OF VICTORIA DIOCESE** (B.C.)

CORAM: The Chief Justice and Cory and McLachlin JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Labour law - *Canadian Charter of Rights and Freedoms* - Jurisdiction - Arbitration - Collective agreement - Wrongful dismissal - Whether the Court of Appeal erred in law in finding that the matter is within the jurisdiction of an arbitrator - Whether the Court of Appeal erred in finding that the Supreme Court of British Columbia is not the court of competent jurisdiction according to s. 24 of the *Canadian Charter of Rights and Freedoms* with respect to the ss. 7 and 11 violations of the *Canadian Charter of Rights and Freedoms* which have occurred.

PROCEDURAL HISTORY

June 5, 1995 Supreme Court of British Columbia (Melvin J.)	Applicant's claim for damages for wrongful dismissal on summary trial dismissed for lack of jurisdiction
September 16, 1996 Court of Appeal for British Columbia (Finch, Newbury and Huddart JJ.A.)	Appeal dismissed
January 16, 1997 Supreme Court of Canada	Application for leave to appeal and motion for extension of time filed

25735 **HER MAJESTY THE QUEEN v. HARRY GUNNAR ANDERSON -and- HARRY GUNNAR ANDERSON v. HER MAJESTY THE QUEEN** (B.C.)

CORAM: The Chief Justice and Cory and McLachlin JJ.

The applications for leave to appeal are dismissed.

Les demandes d'autorisation d'appel sont rejetées.

NATURE OF THE CASE

Criminal law - Obstructing a peace officer - Resist arrest - *Mens rea* - Does the *mens rea* of the offence of obstructing a peace officer include knowledge that the officer was in the execution of a particular duty at the time of obstruction - Can an accused be convicted of resist arrest when acquitted of the underlying offence for which he was arrested.

PROCEDURAL HISTORY

May 17, 1994
Provincial Court (Nimsick P.C.J.)

Conviction: obstructing a police officer and resist arrest	February 10, 1995 Supreme Court of British Columbia (McKinnon J.)
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Summary conviction appeal dismissed	November 6, 1996 Court of Appeal for British Columbia (Macfarlane, Prowse and Finch JJ.A.)
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Appeal allowed in part: obstruction conviction quashed; acquittal entered; resist arrest conviction affirmed	January 3, 1997 Supreme Court of Canada
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Application for leave to appeal filed by Crown Applicant	January 6, 1997 Supreme Court of Canada
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Application for leave to appeal for Applicant Anderson filed

25701 **LA MUTUELLE-VIE DES FONCTIONNAIRES c. MICHELINE LAPOINTE-BOUCHER** (Qué.)

CORAM: Le Juge en chef et les juges L'Heureux-Dubé et Gonthier

La demande d'autorisation d'appel est rejetée avec dépens.

The application for leave to appeal is dismissed with costs.

NATURE DE LA CAUSE

Droit commercial - Assurance - Déclaration de risque - Fausse déclaration - Bonne foi - En matière de fausses déclarations et de réticences dans une proposition d'assurance-vie, l'assureur qui n'invoque pas spécifiquement, dans l'avis initial de refus de couverture à la suite du décès, tous les moyens à l'appui de ce refus, se rend-il forclos de les plaider et d'en faire la preuve? - L'assureur doit-il faire la preuve que le proposant connaissait le diagnostic précis et la maladie qu'on lui reproche de ne pas avoir déclarée dans la proposition d'assurance? - L'obligation d'extrême bonne foi du proposant est-elle liée à ses connaissances scientifiques?

HISTORIQUE PROCÉDURAL

Le 3 mars 1993 Cour supérieure du Québec (Corriveau J.C.S.)	Action en réclamation d'une indemnité d'assurance rejetée
Le 24 octobre 1996 Cour d'appel du Québec (Beauregard [dissident], Baudouin et Robert J.J.C.A.)	Appel accueilli; appel incident rejeté
Le 20 décembre 1996 Cour suprême du Canada	Demande d'autorisation d'appel déposée

25480 **EDWARD J. KASHA and VERNA L. HALJAM (also known as HALJAN) v. SCURRY-RAINBOW OIL LTD. on its own behalf and on behalf of all the other Gross Royal Trust Certificate Holders in the Chester Frank Kasha Gross Royalty Trust interested in the validity of the Gross Royalty Trust Certificates -and- ESTATE OF C. DONALD KASHA, BRYAN C. KASHA, PATRICIA ANN CADRIN (also known as PATRICIA ANN KASHA) and MONTREAL TRUST COMPANY OF CANADA (Alta.)**

CORAM: La Forest, Gonthier and Major JJ.

The application for leave to appeal is dismissed with costs.

La demande d'autorisation d'appel est rejetée avec dépens.

NATURE OF THE CASE

Property law - Real property - Land titles - Real rights - Mines and minerals - Contracts - Interpretation - Trusts and trustees - Oil and gas royalty trust agreements - Whether the Court of Appeal erred in characterizing the right to receive royalties under an oil and gas lease as an interest in land and a *profit à prendre* - Whether the Court of Appeal erred in failing to apply the *Law of Property Act*, R.S.A. 1980, c.L-8, s.69 and *Hayes v. Mayhood and Western Leaseholds Ltd.*, [1959] S.C.R. 568, and in applying *Berkheiser v. Berkheiser & Glaister*, [1957] S.C.R. 387 - Whether the Court of Appeal erred in finding that the Respondents are burdened by personal covenants made by the testator from whom they inherited the property in question.

PROCEDURAL HISTORY

August 5, 1993
Court of Queen's Bench of Alberta
(Lefsrud J.)

May 17, 1996
Court of Appeal of Alberta
(Belzil, McFadyen and O'Leary J.J.A.)

Appeal dismissed

September 16, 1996
Supreme Court of Canada

Application for leave to appeal filed

25514 **SMITH & NEPHEW INC. and BEIERSDORF AG v. GLEN OAK INC. and DYLEX LTD., carrying on business as "BI-WAY" and/or "BI-WAY STORES" (F.C.A.)**

CORAM: La Forest, Gonthier and Major JJ.

The application for leave to appeal is dismissed with costs.

La demande d'autorisation d'appel est rejetée avec dépens.

NATURE OF THE CASE

Property law - Trade-marks - Passing off - Whether a licensee of a Canadian trade-mark can maintain an action for infringement under s.50(3) of the *Trade-Marks Act* against an importer with respect to the importation of offshore goods which directly originate in the stream of commerce with the trade-mark owner, but are of a different character and inferior quality from the goods of the Canadian licensee sold in Canada - Whether a licensee of a Canadian trade-mark can maintain an action in Canada in passing-off under s. 7(b) of the *Trade-Marks Act* against an importer of such offshore goods which bear the same trade-mark as the goods of the Canadian licensee sold in Canada.

PROCEDURAL HISTORY

December 5, 1994
Federal Court of Canada (Trial Division) (Noël J.)

Motion for interlocutory injunction granted without reasons

October 11, 1995
Federal Court of Canada (Trial Division) (Noël J.)

Respondent's motion to stay or vary the interlocutory injunction granted on Dec. 5, 1994 dismissed

June 4, 1996
Federal Court of Canada (Appeal Division)
(Hugessen, Desjardins, and Linden JJ.A.)

Appeal allowed; motion for interlocutory injunction dismissed

September 30, 1996
Supreme Court of Canada

Application for leave to appeal filed

25497

PARKER'S COUNTRY MARKET INC., a body corporate v. HER MAJESTY THE QUEEN, in Right of the Province of Nova Scotia, represented by the Attorney General of Nova Scotia (N.S.)

CORAM: La Forest, Gonthier and Major JJ.

The application for leave to appeal is dismissed with costs.

La demande d'autorisation d'appel est rejetée avec dépens.

NATURE OF THE CASE

Administrative law - Judicial review - Standard of review - Expropriation - Whether the Nova Scotia Court of Appeal erred at law in disturbing the findings of the Nova Scotia Utility and Review Board - Whether the Nova Scotia Court of Appeal erred at law in making findings on a basis not pleaded or argued by either party before the court - Whether the Nova Scotia Court of Appeal erred in determining the standard of review to be applied by a court of law to a decision of an expropriation board or tribunal under the *Expropriation Act*, R.S.N.S. 1989, c.156.

PROCEDURAL HISTORY

October 4, 1995
Nova Scotia Utility and Review Board
(Weldon)

Applicant awarded \$376,480 in compensation for
expropriation, including \$66,000 for non-commercial
goodwill

May 21, 1996
Nova Scotia Court of Appeal
(Chipman, Pugsley and Bateman JJ.A.)

Appeal allowed, \$66,000 award for non-commercial
goodwill eliminated

September 23, 1996
Supreme Court of Canada

Application for leave to appeal filed

25534 **AURELIA VOJIC v. ATTORNEY GENERAL OF CANADA in respect of the claim against HER
MAJESTY THE QUEEN as represented by THE MINISTER OF NATIONAL REVENUE
(F.C.A.)**

CORAM: La Forest, Gonthier and Major JJ.

The application for leave to appeal is dismissed with costs.

La demande d'autorisation d'appel est rejetée avec dépens.

NATURE OF THE CASE

Taxation - Income tax - Whether Court of Appeal correct in dismissing appeal.

PROCEDURAL HISTORY

April 6, 1992
Federal Court of Canada (Rouleau J.)

Motion to dismiss Applicant's application by way of
originating notice of motion adjourned to June 8, 1992

August 20, 1992
Federal Court of Canada (McGillis J.)

Applicant's actions dismissed; Respondent's motion for
an order barring the Applicant from bringing further
proceedings without leave of the Court granted

June 4, 1996
Federal Court of Appeal
(Strayer and Robertson JJ.A. and Chevalier D.J.)

Appeal dismissed

October 3, 1996
Supreme Court of Canada

Application for leave to appeal filed

October 30, 1996
Supreme Court of Canada (Iacobucci J.)

Motion for stay dismissed

25239 **EMMA NIETO BABLITZ v. HER MAJESTY THE QUEEN** (Crim.)(Alta.)

CORAM: La Forest, Gonthier and Major JJ.

The application for extension of time is granted and the application for leave to appeal is dismissed.

La demande de prorogation de délai est accordée et la demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Criminal law - Evidence - Character evidence - Jury instruction - Whether the trial judge properly instructed the jury on
the use that could be made of character evidence.

PROCEDURAL HISTORY

October 25, 1994
Court of Queen's Bench of Alberta (Andrekson J.)

Conviction: first degree murder

February 27, 1996
Court of Appeal of Alberta (Harradence J.A.
[dissenting] and Foisy and Irving JJ.A)

Appeal dismissed

March 27, 1996
Supreme Court of Canada

Notice of appeal as of right based on dissent filed

November 1, 1996
Supreme Court of Canada

Application for leave to appeal and motion for the
extension of time filed

25601 **DENISE POITRAS v. HER MAJESTY THE QUEEN** (Crim.)(Alta.)

CORAM: La Forest, Gonthier and Major JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Criminal law - Identification - Line-up - Whether the trial judge improperly relied on evidence from an informal line-up -
Ineffective assistance of counsel.

PROCEDURAL HISTORY

March 17, 1995 Alberta Court of Queens Bench (Perras J.)	Conviction: Attempted robbery, possession of a weapon
September 6, 1996 Court of Appeal of Alberta (Hetherington, Agrios, Côté JJ.A.)	Appeal dismissed
November 4, 1996 Supreme Court of Canada	Application for leave to appeal filed

25529 **NIPISSING HELICOPTERS INC. and NIPISSING HELICOPTERS (1984) INC. v. EAGLE COPTERS MAINTENANCE LTD.** (Alta.)

CORAM: La Forest, Gonthier and Major JJ.

The application for leave to appeal is dismissed with costs.

La demande d'autorisation d'appel est rejetée avec dépens.

NATURE OF THE CASE

Procedural Law - Judgments and Orders - Default Judgments - A party against whom default judgment was rendered in another province sought to challenge the judgment during a motion for summary judgment brought in the party's province of residence for enforcement purposes - Courts of issuing province refused to set aside a default judgment because of delay- Whether the party should have challenged the judgment in the province from which the judgment issued - Whether a challenge can be raised in the province in which the order is to be enforced.

PROCEDURAL HISTORY

August 30, 1990 Court of Queen's Bench of Alberta (Master Floyd)	Leave to serve <i>ex juris</i> granted; leave to enter default judgment conditionally granted
October 25, 1990 Court of Queen's Bench of Alberta (Registrar's Office)	Default Judgment entered
April 21, 1994 Ontario Court of Justice (General Division) (Cusson J.)	Summary Judgment granted; Execution conditionally stayed
February 3, 1995 Court of Queen's Bench of Alberta (Master Waller)	Application to set aside default judgment dismissed
June 6, 1995 Court of Queen's Bench of Alberta (Montgomery J.)	Appeal dismissed
June 14, 1996 Court of Appeal of Alberta (Kerans, Hetherington, Cote JJ.A.)	Appeal dismissed
October 8, 1996 Supreme Court of Canada	Application for leave to appeal filed

25566 **SOVEREIGN GENERAL INSURANCE CO. v. P & M MANAGEMENT CONSULTANTS LTD.**
(Man.)

CORAM: La Forest, Gonthier and Major JJ.

The application for leave to appeal is dismissed with costs.

La demande d'autorisation d'appel est rejetée avec dépens.

NATURE OF THE CASE

Procedural Law - Appeal - Appellate intervention - Commercial Law - Insurance - Relief from forfeiture - Insured did not notify insurer of claim and did not file proof of loss within the time period specified in its insurance policy - Whether relief from forfeiture should have been granted pursuant to section 130 of *The Insurance Act of Manitoba*, R.S.M. 1987, c. 140 - Whether a Court of Appeal should have substituted its own opinion regarding relief from forfeiture.

PROCEDURAL HISTORY

October 16, 1995 Court of Queen's Bench of Manitoba (Clearwater J.)	Respondent's claim dismissed
July 23, 1996 Court of Appeal of Manitoba (Philp, Lyon and Kroft JJ.A.)	Appeal allowed
October 28, 1996 Supreme Court of Canada	Application for leave to appeal filed

25504 **TERENCE P. RAMSDEN v. THE UNITED KINGDOM** (Crim.)(Ont.)

CORAM: La Forest, Gonthier and Major JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Criminal law - *Mutual Legal Assistance in Criminal Matters Act*, R.S.C. 1985, c. 30 (4th Supp.) - Whether the Applicant has standing to intervene in proceedings under the Act - What is the proper test to determine standing under the Act.

PROCEDURAL HISTORY

<p>October 23, 1995 Ontario Court (General Division) (Jarvis J.)</p>	<p>Order for issuance of search warrants; evidence-gathering order issued <i>ex parte</i></p>
<p>November 6, 1995 Ontario Court (General Division)</p>	<p>Sending order made</p>
<p>December 21, 1995 Ontario Court (General Division) (Jarvis J.)</p>	<p>Applicant granted opportunity to file materials and make submissions as an interested third party under ss. 18 and 20(2) of the <i>Mutual Legal Assistance in Criminal Matters Act</i>; Ruling that Applicant has standing to vary order of October 23, 1995</p>
<p>January 22, 1996 Ontario Court (General Division) (Jarvis J.)</p>	<p>Respondent required to give Applicant notice of any application for sending order</p>
<p>January 26, 1996 Ontario Court (General Division) (Farley J.)</p>	<p>Application by Applicant to file materials and make submissions in relation to search warrants issued pursuant to the <i>Mutual Legal Assistance in Criminal Matters Act</i> dismissed</p>
<p>February 16, 1996 Ontario Court (General Division) (Whealy J.)</p>	<p>Ruling that Applicant has no standing to participate in hearing for sending order; sending order issued</p>
<p>April 10, 1996 Ontario Court (General Division) (MacPherson J.)</p>	<p>Application by Applicant to set aside order of October 23, 1995 dismissed</p>
<p>August 8, 1996 Court of Appeal for Ontario (Houlden, McKinlay and Charron JJ.A.)</p>	<p>Appeals by Applicant dismissed; appeals by Respondent allowed</p>
<p>October 30, 1996 Supreme Court of Canada</p>	<p>Application for leave to appeal filed</p>

25393 **DOUGLAS BURDEN v. HER MAJESTY THE QUEEN** (Crim.)(Ont.)

CORAM: La Forest, Gonthier and Major JJ.

The application for extension of time is granted and the application for leave to appeal is dismissed.

La demande de prorogation de délai est accordée et la demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Canadian Charter - Criminal Law - Procedural Law - Withdrawal of Guilty Pleas - Adjournment to retain counsel - Reasonable Apprehension of Bias - Trial judge dismissed an application to withdraw guilty pleas before application formally made or issue raised - Trial judge denied an application for an adjournment in order to retain counsel .

PROCEDURAL HISTORY

<p>September 24, 1992 Ontario Court (Provincial Division) (Ross J.)</p>	<p>Convicted on 7 counts of kidnapping, 9 counts of sexual assault, 1 count of assault and 11 counts of administering a stupefying drug</p>
<p>October 27, 1992 Ontario Court (Provincial Division) (Ross J.)</p>	<p>Application to withdraw guilty pleas dismissed; Sentencing proceedings adjourned</p>
<p>December 11, 1992 Ontario Court (Provincial Division) (Ross J.)</p>	<p>Sentenced to 20 years and one month; Ineligible for parole until ten years served</p>

April 9, 1996
Court of Appeal for Ontario
(Osborne, Laskin and Doherty JJ.A.)

Conviction upheld; Parole ineligibility quashed

November 7, 1996
Supreme Court of Canada

Application for leave to appeal filed; Application for
time extension filed

25581 **R & M CONSTRUCTION CO. LTD. and RAYMOND J. WALSH AND MARIE WALSH v.
ROYAL TRUST CORPORATION OF CANADA, in Trust for The Standard Life Assurance Co.**
(Nfld.)

CORAM: La Forest, Gonthier and Major JJ.

The application for leave to appeal is dismissed with costs.

La demande d'autorisation d'appel est rejetée avec dépens.

NATURE OF THE CASE

Procedural law - Civil Procedure - Compliance with s. 10 of the *Conveyancing Act*, R.S.N. 1990, c. C-34, which requires the mortgagee to prepare an accounting of the sale of a mortgaged property, including a copy of the appraisal, and send a copy to the mortgagor and other registered encumbrancer or guarantor within 30 days from the date of the completion of the sale - Did the Court of Appeal err in fact and in law in determining the capacity of a solicitor to perform acts and accept notices and documentation on behalf of persons.

PROCEDURAL HISTORY

June 23, 1995
Supreme Court of Newfoundland Trial Division
(Orsborn J.)

Respondent did not comply with the requirements of s. 10 of the *Conveyancing Act*; Respondent's action for the deficiency on the mortgage dismissed

July 31, 1996
Supreme Court of Newfoundland Court of Appeal
(Gushue, C.J.N., O'Neill and Cameron JJ.A)

Appeal allowed

October 30, 1996
Supreme Court of Canada

Application for leave to appeal filed

25596 **MARY PAYNE v. THOMAS BRADY and SOVEREIGN GENERAL INSURANCE CO.** (Nfld.)

CORAM: La Forest, Gonthier and Major JJ.

The application for leave to appeal is dismissed with costs.

La demande d'autorisation d'appel est rejetée avec dépens.

NATURE OF THE CASE

Procedural law - Limitation of actions - Prescription - Torts - Motor vehicles - Does the limitation period in the *Highway Traffic Act* apply to all personal injury actions under of the *Highway Traffic Act*, or does the *Survival of Actions Act* limitation period apply if the Defendant dies subsequent to the date of the accident, and the death is unrelated to the accident? Does the discoverability principle apply to extend the commencement of the limitation period in the *Survival of Actions Act* to one year from the date on which the Plaintiff became aware or ought with reasonable diligence to have become aware of the Defendant's death? Must there be timely disclosure of the fact and date of death before the Defendant will be permitted to plead and rely upon a limitation period which truncates the *Highway Traffic Act* limitation period?

PROCEDURAL HISTORY

August 28, 1995
Supreme Court of Newfoundland, Trial Division
(Hickman C.J.)

Action dismissed

September 11, 1996
Supreme Court of Newfoundland, Court of Appeal
(O'Neill, Marshall, Cameron JJ.A.)

Appeal dismissed

October 31, 1996
Supreme Court of Canada

Application for leave to appeal filed

25450 **EDGAR ARNOLD GARCIA v. THE UNITED STATES OF AMERICA -and- EDGAR ARNOLD GARCIA v. HER MAJESTY THE QUEEN** (Crim.)(Ont.)

CORAM: La Forest, Gonthier and Major JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Criminal law - Extradition - Death penalty - Whether the Minister's failure to seek Article 6 assurances infringed the Applicant's right to Article 6 consideration and to natural justice - Whether the Minister's reliance on an affidavit from a local prosecutor that the death penalty would not be imposed infringed the Applicant's right to Article 6 consideration and to natural justice.

PROCEDURAL HISTORY

May 11, 1994
Ontario Court (General Division) (Jarvis J.)

Warrant of Committal issued

October 29, 1994
Minister of Justice

Applicant surrendered to United States

July 18, 1996
Court of Appeal for Ontario
(Houlden, Catzman and Moldaver JJ.A)

Appeal dismissed; application for judicial review dismissed

December 13, 1996
Supreme Court of Canada

Application for leave to appeal filed

25594

ED MILLER SALES & RENTALS LTD. v. CATERPILLAR TRACTOR CO., CATERPILLAR AMERICAS CO. and CATERPILLAR OF CANADA LTD. -and- R. ANGUS ALBERTA LTD.
(Alta.)

CORAM: La Forest, Gonthier and Major JJ.

The application for leave to appeal is dismissed with costs.

La demande d'autorisation d'appel est rejetée avec dépens.

NATURE OF THE CASE

Procedural Law - Appeal - Torts - Intentional Torts - Interference with economic relations - Interference with contractual relations - The scope and nature of the tort of unlawful interference with economic relations -- The nature of the knowledge required to prove liability - The impact on liability of acquiescence by the induced party - The role of a Court of Appeal regarding the factual conclusions of a trial judge.

PROCEDURAL HISTORY

December 9, 1994
Court of Queen's Bench of Alberta (Berger J.)

Damages awarded

August 8, 1996
Court of Appeal of Alberta
(Côté, McFadyen and Picard JJ.A)

Appeal allowed

October 30, 1996
Supreme Court of Canada

Application for leave to appeal filed

24825 **LEONIDAS KARTSONAS v. STEPHEN GREY, KIERON GRADY and HARPER, GREY, EASTON & CO. (B.C.)**

CORAM: La Forest, Cory and Major JJ.

The application for reconsideration is dismissed.

La demande de nouvel examen est rejetée.

25896 **JAMES CECIL JOHNSTONE. v. BRITISH COLUMBIA MARITIME EMPLOYERS ASSOCIATION (B.C.)**

CORAM: L'Heureux-Dubé, Sopinka and Iacobucci JJ.

The application for reconsideration is dismissed with costs.

La demande de réexamen est rejetée avec dépens.

14.4.1997

Before / Devant: CHIEF JUSTICE LAMER

Motion for directions

Canadian Red Cross Society et al.

v. (25810)

The Honourable Horace Krever et al. (F.C.A.)(Ont.)

Requête pour obtenir des directives

Earl Cherniak, Q.C., for the Canadian Red Cross Society.

Randy T. Hughes and Tracey Patel, for Bayer Inc.

Philip Spencer, for Baxter Corporation.

Paul Lamek, Q.C. and Angus T. McKinnon, for the respondent.

GRANTED / ACCORDÉE

UPON APPLICATION by counsel on behalf of the Appellants The Canadian Red Cross Society, George Weber, Dr. Roger A. Perrault, Dr. Martin G. Davey, Dr. Terry Stout, Dr. Joseph Ernest Côme Rousseau, Dr. Noel Adams Buskard, Dr. Raymond M. Guevin, Dr. John Sinclair Mackay, Dr. Max Gorelick, Dr. Roslyn Herst, and Dr. Andrew Kaegi, for an order for directions as to the schedule for the delivery of the case on appeal, the Appellants' facta, the Respondent's factum, any motions for intervention and the hearing of the appeal; an order abridging the deadline for the delivery of the case on appeal, the Appellants' facta and the Respondent's factum; and directions regarding the case on appeal:

IT IS ORDERED that:

- . The Case on Appeal shall consist of the sixty-nine-volume case on appeal filed with the Federal Court of Appeal together with a supplementary volume entitled "case on appeal, Volume 70", which shall contain the order granting leave to appeal to the Supreme Court of Canada, the Notice of Appeal to the Supreme Court of Canada, the order and reasons for order of the Federal Court, Trial Division, the order and reasons for order of the Federal Court of Appeal, along with a copy of this order;
- . The documents required by Rule 33 with regard to Part V of the case on appeal may be filed separately;
- . Volume 1 of the case on appeal shall be modified to include the index to Volume 70 and the requirement to provide an index at the beginning of each of Volumes 2 to 70 is dispensed with;
- . The pagination of the case on appeal shall remain the same as it was in the Federal Court of Appeal but the covers shall be replaced with Supreme Court of Canada covers;
- . The Appellants shall file of one copy of each of Volumes 2 to 69 of the case on appeal with the court and twenty-four copies each of Volumes 1 and 70 of the case on appeal;
- . On or before the day of the appeal, each party shall deliver ten copies of a condensed book of evidence and authorities that will be referred to in oral argument;
- . The Appellants shall serve and file the case on appeal and facta on or before April 16, 1997;
- . The Respondent shall serve and file its factum on or before May 15, 1997;
- . Any motions for intervention shall be filed according to Rule 18;
- . The hearing of the appeal will take place on June 25, 1997;
- . At the hearing of the appeal, the Appellants The Canadian Red Cross Society *et al.*, Bayer Inc. and Baxter Corporation shall each be permitted one half hour for argument and five minutes for reply, for a total of one and one half hours for argument and fifteen minutes for reply for the Appellants' side; and
- . At the hearing of the appeal, the Respondent shall be permitted one and one half hours for argument.

29.4.1997

Before / Devant: LE JUGE GONTHIER

Requête en autorisation d'intervention

BY/PAR: Société Radio-Canada
IN/DANS: Éditions Vice-Versa Inc. et al.
c. (25579)
Pascale-Claude Aubry (Qué.)

Motion for leave to intervene

Avec le consentement des parties. / With the consent of the parties.

GRANTED / ACCORDÉE La Société Radio-Canada est autorisée à intervenir et à produire un mémoire d'au plus 20 pages et à faire des représentations orales à l'audition d'au plus 20 minutes, sans frais.

30.4.1997

Before / Devant: MAJOR J.

Motion to extend the time for leave to intervene and for leave to intervene

BY/PAR: Attorney General of New Brunswick
IN/DANS: Terence Lawrence Caslake
v. (25023)
Her Majesty The Queen (Man.)

Requête en prorogation du délai pour la demande d'autorisation et demande d'autorisation d'intervention

With the consent of the parties.

GRANTED / ACCORDÉE Factum is limited to 20 pages and oral argument to 15 minutes.

29.4.1997

Before / Devant: CHIEF JUSTICE LAMER

Motion to state a constitutional question

Jeffrey Rose

v. (25448)

Her Majesty The Queen (Ont.)

GRANTED / ACCORDÉE

1. Does s. 651(3) or 651(4) of the *Criminal Code* infringe or deny the right of an accused person to a trial in accordance with the principles of fundamental justice and/or the right of an accused person to make full answer and defence, as guaranteed by s. 7 of the *Canadian Charter of Rights and Freedoms*?
2. If the answer to Question #1 is yes, is the said infringement or denial of the s. 7 right, a reasonable limit which can be demonstrably justified under s. 1 of the *Canadian Charter of Rights and Freedoms*?
3. Does s. 651(3) or 651(4) of the *Criminal Code* infringe or deny the right of an accused person to a fair trial at which he or she is presumed innocent, as guaranteed by s. 11(d) of the *Canadian Charter of Rights and Freedoms*?
4. If the answer to Question #3 is yes, is the said infringement or denial of the s. 11(d) right, a reasonable limit which can be demonstrably justified under s. 1 of the *Canadian Charter of Rights and Freedoms*?

Requête pour énoncer une question constitutionnelle

With the consent of the parties.

1. Les paragraphes 651(3) ou 651(4) du *Code criminel* portent-ils atteinte au droit de l'inculpé à un procès en conformité avec les principes de justice fondamentale ou à son droit de présenter une défense pleine et entière garanti par l'art. 7 de la *Charte canadienne des droits et libertés*?
2. En cas de réponse affirmative à la première question, l'atteinte portée au droit garanti par l'art. 7 constitue-elle une limite raisonnable dont la justification peut se démontrer au sens de l'article premier de la *Charte canadienne des droits et libertés*?
3. Les paragraphes 651(3) ou 651(4) du *Code criminel* portent-ils atteinte au droit de l'inculpé d'être présumé innocent tant qu'il n'aura pas été déclaré coupable à l'issue d'un procès équitable garanti par l'al. 11d) de la *Charte canadienne des droits et libertés*?
4. En cas de réponse affirmative à la troisième question, l'atteinte portée au droit garanti par l'al. 11d) constitue-elle une limite raisonnable dont la justification peut se démontrer au sens de l'article premier de la *Charte canadienne des droits et libertés*?

30.4.1997

Before / Devant: MAJOR J.

**Motion to extend the time in which to file a motion
for leave to appeal**

**Requête en prorogation du délai imparti pour
déposer une demande d'autorisation d'appel**

Radcliffe Mark Hall

v. (25809)

Her Majesty The Queen (Alta.)

REFERRED to the Court / RÉFÉRÉE à la Cour

30.4.1997

Before / Devant: LE JUGE GONTHIER

Requête en vue de surseoir à l'exécution

Motion for a stay of execution

Lucie St-Laurent

c. (25894)

Charles Soucy (Qué.)

RÉFÉRÉE / REFERRED

Referred to the bench seized of the application for leave to appeal.
Référé au banc saisie de la demande d'autorisation d'en appeler.

30.4..1997

Her Majesty The Queen

v. (25670)

Al Klippert Ltd. (Alta.)

**APPEALS HEARD SINCE LAST
ISSUE AND DISPOSITION**

**APPELS ENTENDUS DEPUIS LA
DERNIÈRE PARUTION ET
RÉSULTAT**

25.4.1997

CORAM: Chief Justice Lamer and La Forest, L'Heureux-Dubé, Sopinka, Gonthier, Cory, McLachlin, Iacobucci and Major JJ.

Belmoaris Gilberto Coreas

v. (25503)

Her Majesty The Queen (Crim.)(Ont.)

THE CHIEF JUSTICE (orally) -- One consolation for Mr. Coreas is that he's very well represented and will be very well represented at his new trial. We are in agreement with the reasons of the Court of Appeal in ordering a new trial. The appeal is therefore dismissed.

Todd Ducharme and John A. Sutherland, for the appellant.

Feroza BhaBha, for the respondent.

LE JUGE EN CHEF (oralement) -- Monsieur Coreas peut se consoler en se disant qu'il est très bien représenté et qu'il sera très bien représenté à son nouveau procès. Nous souscrivons aux motifs exposés par la Cour d'appel en ordonnant un nouveau procès. Le pourvoi est donc rejeté.

28.4.1997

CORAM: La Forest, L'Heureux-Dubé, Sopinka, Gonthier, Cory, McLachlin and Major JJ.

American Home Assurance Co.

v. (24959)

Brkich & Brkich Enterprises Ltd. et al. (B.C.)

LA FOREST J. (orally for the Court) -- We are all of the view that the appeal should be dismissed for the reasons given by Finch J.A. in the Court of Appeal. Accordingly, the appeal is dismissed with costs throughout.

William M. Holburn, Q.C. and Judith P. Kennedy, for the appellant.

Alan E. Farber and Stephen Tick, for the respondents.

LE JUGE LA FOREST (oralement au nom de la Cour) -- Nous sommes tous d'avis qu'il y a lieu de rejeter le pourvoi pour les motifs exposés par le juge Finch en Cour d'appel. En conséquence, le pourvoi est rejeté avec dépens dans toutes les cours.

29.4.1997

CORAM: La Forest, L'Heureux-Dubé, Sopinka, Gonthier, Cory, McLachlin and Major JJ.

Ernest Richard Greyeyes

v. (25501)

Her Majesty The Queen (Crim.)(Sask.)

Roger J. Kergoat, for the appellant.

Douglas G. Curliss and Robert J. Frater, for the respondent.

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

Criminal law - Narcotics - Evidence - Whether the Court of Appeal exceeded its jurisdiction - Whether the trial judge erred in law in finding that the Appellant was not a party to the offence of trafficking pursuant to s. 21(1)(b) and (c) of the *Criminal Code* - Whether the trial judge erred in allowing the defence of "agent for the purchaser" to be available to the Appellant.

Nature de la cause:

Droit criminel - Stupéfiants - Preuve - La Cour d'appel a-t-elle outrepassé sa compétence? - Le juge du procès a-t-il commis une erreur de droit en concluant que l'appellant n'était pas partie à l'infraction de trafic de stupéfiants en application des al. 21(1)(b) et (c) du *Code criminel*? - Le juge du procès a-t-il commis une erreur en permettant que

l'appelant puisse utiliser la défense de «mandataire de l'acheteur»?

30.4.1997

CORAM: Chief Justice Lamer and La Forest, L'Heureux-Dubé, Sopinka, Gonthier, McLachlin and Iacobucci JJ.

The Workers' Compensation Board

v. (24913)

Elaine Pasiechnyk et al.

and between

Government of Saskatchewan

v.

Elaine Pasiechnyk et al. (Sask.)

Robert G. Richards, for the appellant the Workers' Compensation Board.

Darryl Brown, for the appellant the Government of Saskatchewan.

William P. Ostapek, for the intervener the Workers' Compensation Board of Alberta.

E.F. Anthony Merchant, Q.C. and Kevin A. Clarke, for the respondents.

No one appearing, for the respondent the A.G. of Saskatchewan.

Raymond F. Wagner, for the interveners the Westray Families.

J. Philip Warner, Q.C., for the interveners Sheila Fullowka et al.

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

Administrative law - Labour law - Judicial review - Jurisdiction - Workers' compensation - Whether an employer is vulnerable to legal action taken by an employee injured in the course of employment if the employer acts in two or more capacities - Whether the standard of review in the case of a tribunal with a strong privative clause is patent unreasonableness or correctness - Whether judicial deference should be

Nature de la cause:

Droit administratif - Droit du travail - Contrôle judiciaire - Compétence - Indemnisation des accidents du travail - Un employeur peut-il faire l'objet d'une action en justice intentée par un employé blessé pendant son travail si cet employeur agit à deux titres ou plus? - Dans le cas d'un tribunal administratif assujetti à une forte clause privative, la norme de contrôle est-elle celle du caractère manifestement déraisonnable ou celle de la décision correcte? - Y a-t-il lieu de faire preuve de retenue judiciaire relativement à une décision de la Workers'

given to a decision of the Workers' Compensation Board that an action by a worker against an employer is barred.

Compensation Board (la Commission) selon laquelle il est interdit à un travailleur d'intenter une action contre un employeur?

WEEKLY AGENDA

ORDRE DU JOUR DE LA SEMAINE

AGENDA for the week beginning May 5, 1997.
ORDRE DU JOUR pour la semaine commençant le 5 mai 1997.

<u>Date of Hearing/ Date d'audition</u>	<u>Case Number and Name/ Numéro et nom de la cause</u>
05/05/97	Motions - Requêtes

NOTE:

This agenda is subject to change. Hearing dates should be confirmed with Process Registry staff at (613) 996-8666.

Cet ordre du jour est sujet à modification. Les dates d'audience devraient être confirmées auprès du personnel du greffe au (613) 996-8666.

**CUMULATIVE INDEX -
APPLICATIONS FOR LEAVE TO
APPEAL**

**INDEX CUMULATIF - REQUÊTES
EN AUTORISATION DE POURVOI**

This index includes applications for leave to appeal standing for judgment at the beginning of 1997 and all the applications for leave to appeal filed or heard in 1997 up to now.

Cet index comprend les requêtes en autorisation de pourvoi en délibéré au début de 1997 et toutes celles produites ou entendues en 1997 jusqu'à maintenant.

*01 Refused/Refusée	*A Applications for leave to appeal filed/Requêtes en autorisation de pourvoi produites
*02 Refused with costs/Refusée avec dépens	*B Submitted to the Court/Soumises à la Cour
*03 Granted/Accordée	*C Oral Hearing/Audience
*04 Granted with costs/Accordée avec dépens	*D Reserved/En délibéré
*05 Discontinuance filed/Désistement produit	

CASE/AFFAIRE	Status/ Statut Page	Disposition/ Résultat
2439-4637 <i>Québec Inc. c. Procureur général du Québec</i> (Crim.)(Qué.), 25620, *02 27.2.97	31(97)	401(97)
2760-5450 <i>Québec Inc. c. Procureur général du Québec</i> (Qué.), 25634, *02 13.3.97	336(97)	513(97)
3044190 <i>Canada Inc. c. Procureur général du Québec</i> (Qué.), 25914, *A	670(97)	
453333 <i>B. C. Ltd. v. Primex Investments Ltd.</i> (B.C.), 25729, *02 24.4.97	624(97)	758(97)
587855 <i>Ontario Ltd. v. Industrial-Alliance Life Insurance Co.</i> (Ont.), 25489, *02 13.2.97	1961(96)	294(97)
587855 <i>Ontario Ltd. v. Piazza, Polowin, Brooks & Siddons</i> (Ont.), 25624, *02 13.2.97	23(97)	295(97)
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<i>Gratton c. Nault</i> (Qué.), 25733, *A	103(97)	
<i>Grosse v. The Queen</i> (Crim.)(Ont.), 25453, *01 27.2.97	37(97)	407(97)
<i>Groupe Desjardins Assurances générales c. Société canadienne des postes</i> (Qué.), 25466, *02 16.1.97	2053(96)	50(97)
<i>Guggisberg c. La Reine</i> (Qué.), 25935, *A	672(97)	
<i>Guillemette c. Ville de Sainte-Foy</i> (Qué.), 25750, *A	194(97)	
<i>Gunn v. The Queen</i> (Crim.)(Alta.), 25912, *A	670(97)	
<i>Hadji c. Ville de Montréal</i> (Qué.), 25715, *01 17.4.97	617(97)	703(97)
<i>Hadjiantoniou v. Hadjiantoniou</i> (Ont.), 25741, *B	391(97)	
<i>Halifax Regional Municipality v. Barclays Bank of Canada</i> (N.S.), 25485, *02 6.3.97	470(97)	1941(96)
<i>Hall v. The Queen</i> (Crim.)(Alta.), 25809, *A	384(97)	
<i>Hardy v. The Queen</i> (Crim.)(Alta.), 25602, *B	744(96)	
<i>Harnden v. Kosir</i> (Ont.), 25907, *A	669(97)	
<i>Harris v. Cinabar Enterprises Ltd.</i> (Alta.), 25801, *A	384(97)	
<i>Harris Trust and Savings Bank v. Glied</i> (Ont.), 25720, *05 13.3.97	5(97)	526(97)
<i>Hawrish v. Cundall</i> (Sask.), 25748, *B	687(97)	
<i>Health Sciences Centre v. Cross</i> (Man.), 25584, *02 27.2.97	145(97)	413(97)
<i>Health Services Association of the South Shore v. Health Services Association of the South Shore Local of the Nova Scotia Nurses' Union</i> (N.S.), 25934, *A	672(97)	
<i>Heirs of Philip M. Salomon c. Curateur public du Québec</i> (Qué.), 25671, *01 27.2.97	284(97)	403(97)
<i>Hernandez v. The Queen</i> (Crim.)(Alta.), 25606, *01 27.2.97	29(97)	400(97)
<i>Hetherington v. Estate of Frances McDonic</i> (Ont.), 25864, *A	545(97)	
<i>Hill v. Smallwood</i> (Ont.), 25883, *A	667(97)	
<i>Hodgson v. The Queen</i> (Crim.)(Ont.), 25561, *B	35(97)	
<i>Hoffmann-La Roche Ltd. v. Minister of National Health and Welfare</i> (F.C.A.)(Ont.), 25639, *B	618(97)	
<i>Hoffmann-La Roche Ltd. v. Minister of National Health and Welfare</i> (F.C.A.)(Ont.), 25640, *B	619(97)	
<i>Hoffmann-La Roche Ltd. v. Minister of National Health and Welfare</i> (F.C.A.)(Ont.), 25709, *B	619(97)	
<i>Hogarth v. Hall</i> (Ont.), 25702, *B	678(97)	
<i>Holly v. White</i> (Alta.), 25439, *02 16.1.97	1737(96)	49(97)

<i>Homan v. The Queen</i> (Crim.)(Sask.), 25867, *B	744(97)	
<i>Homefounders Development Joint Venture (86395 Ont. Inc.) v. Piggott</i> (Ont.), 25121, *05 3.6.96	938(96)	70(97)
<i>Hong v. Magerman</i> (Ont.), 25691, *02 20.3.97	398(97)	559(97)
<i>Hong v. Magerman</i> (Ont.), 25690, *02 20.3.97	398(97)	559(97)
<i>Horrey v. Litterst</i> (Alta.), 25127, *05 4.6.96	888(96)	70(97)
<i>Hublall v. Mills</i> (Ont.), 25916, *A	670(97)	
<i>Hudson & Company Insolvency Trustees Inc. v. Christensen</i> (Alta.), 25481, *02 13.2.97	1962(96)	294(97)
<i>Hung c. L'Archevêché de Montréal</i> (Qué.), 25755, *A	138(97)	
<i>Hutchings v. The Queen</i> (Crim.)(B.C.), 25550, *B	745(97)	
<i>Ikea Ltd. v. The Queen</i> (F.C.A.)(B.C.), 25674, *B	286(97)	
<i>Investissements Imqua Inc. c. Ville de Québec</i> (Qué.), 25765, *A	670(97)	
<i>Irani v. The Queen</i> (Crim.)(B.C.), 25655, *01 6.3.97	282(97)	467(97)
<i>Ivey v. United States of America</i> (Ont.), 25664, *B	682(97)	
<i>J. G.-T. v. Catholic Children's Aid Society of Hamilton-Wentworth</i> (Ont.), 25697, *02 27.2.97	208(97)	415(97)
<i>J.-L.P. c. A. N.</i> (Qué.), 25512, *02 20.2.97	1942(96)	351(97)
<i>Jakovljevic v. Law Society of Upper Canada</i> (Ont.), 25739, *02 24.4.97	623(97)	757(97)
<i>Jenkins v. The Queen</i> (Crim.)(Ont.), 25665, *01 27.2.97	144(97)	412(97)
<i>Jeworski v. Nguyen</i> (Sask.), 25642, the applications for leave to appeal and leave to cross-appeal are dismissed with costs 20.3.97	461(97)	560(97)
<i>Joanisse v. The Queen</i> (Crim.)(Ont.), 25430, *01 30.1.97	1936(96)	162(97)
<i>Johnson v. The Queen</i> (Crim.)(N.S.), 25814, *B	812(97)	
<i>Johnstone v. British Columbia Maritime Employers Association</i> (F.C.A.)(B.C.), 25896	*01 1.5.97	685(97)
829(97)		
<i>Journal de Montréal c. Hamelin</i> (Qué.), 25643, *02 17.4.97	617(97)	704(97)
<i>Kadenko c. Ministre de la Citoyenneté et de l'Immigration</i> (C.A.F.)(Qué.), 25689, *B	692(97)	
<i>Kalin v. City of Calgary</i> (Alta.), 24418, *A	1799(94)	
<i>Kansa General International Insurance Co. v. Johnson & Higgins Ltd.</i> (Man.), 25773, *B	748(97)	
<i>Kasha v. Scurry-Rainbow Oil Ltd.</i> (Alta.), 25480, *02 1.5.97	2053(96)	820(97)
<i>Kathleen H. v. Finley</i> (Ont.), 25700, *05 21.1.97	117(97)	117(97)
<i>Kenny v. The Queen</i> (Crim.)(Nfld.), 25568, *01 6.3.97	2100(96)	472(97)
<i>Kerr v. Police Complaints Commissioner</i> (Ont.), 25865, *A	610(97)	
<i>Kinch v. Tignish Credit Union Ltd.</i> (P.E.I.), 25345, *02 6.2.97	1419(96)	214(97)
<i>Klassen v. The Queen</i> (B.C.), 25939, *A	673(97)	
<i>Kozzil v. National Bank of Canada</i> (B.C.), 25730, *B	692(97)	
<i>Kowall v. The Queen</i> (Crim.)(Ont.), 25445, *01 30.1.97	17(97)	152(97)
<i>L.L. c. D.S.-J.</i> (Qué.), 25645, *02 27.3.97	501(97)	628(97)
<i>LaBelle v. Howe</i> (Ont.), 25433/25434, *01 30.1.97	1938(96)	164(97)
<i>Labow c. Attorney General of Quebec</i> (Qué.), 25576, *02 27.2.97	207(97)	414(97)
<i>Lacquaniti v. Devine</i> (Ont.), 25078, *A	4(96)	
<i>Lakotos v. The Queen</i> (Crim.)(Alta.), 25548, *01 6.3.97	198(97)	465(97)
<i>Lal v. Alvi</i> (Ont.), 25928, *A	672(97)	
<i>Lang v. McKenna</i> (Ont.), 25555, *02 13.2.97	8(97)	290(97)
<i>Latimer v. The Queen</i> (Sask.), 24818, *05 7.3.97	526(97)	526(97)
<i>Laurentian Pacific Insurance Co. v. General Accident Assurance Co. of</i> <i>Canada</i> (Alta.), 25955, *A	809(97)	
<i>Lebeuf v. The Queen</i> (Crim.)(Alta.), 25828, *B	747(97)	
<i>Lécuyer c. Sous-ministre du Revenu du Québec</i> (Qué.), 25900, *A	669(97)	
<i>Ledwon v. Homelife Peter Sukkau Realty Inc.</i> (Ont.), 25471, *02 9.1.97	1760(96)	48(97)
<i>Levesque v. Health Sciences Centre</i> (Man.), 25936, *A	673(97)	
<i>Lewandowski v. The Queen</i> (Alta.), 25905, *A	669(97)	
<i>Lieutenant Governor v. Hryciuk</i> (Ont.), 25727, *B	620(97)	
<i>Liston v. Striegler</i> (B.C.), 25563, *02 20.2.97	22(97)	348(97)
<i>Litowitz v. Royal Trust Corporation of Canada</i> (Ont.), 25692, *02 17.4.97	548(97)	702(97)
<i>Lloyd v. The Queen</i> (Alta.), 25925, *A	671(97)	
<i>Lord v. Catholic Public Schools of Victoria Diocese</i> (B.C.), 25546, *01 1.5.97	616(97)	818(97)

<i>Luthe c. Syndicat des enseignants de Saint-Laurent et Richelieu</i> (Qué.), 25668, *02 27.3.97	502(97)	628(97)
<i>M.S. v. The Queen</i> (Crim.)(B.C.), 25742, *01 6.3.97	197(97)	466(97)
<i>M.S. v. The Queen</i> (Crim.)(B.C.), 25815, *01 27.3.97	386(97)	626(97)
<i>MacDonald v. Mombourquette</i> (N.S.), 25587, *B	106(97)	
<i>MacKey v. Smith</i> (Sask.), 25476, *02 30.1.97	1870(96)	161(97)
<i>Malka c. Druker</i> (Qué.), 25918, *A	671(97)	
<i>Malka c. Druker et Assoc. Inc.</i> (Qué.), 25919, *A	671(97)	
<i>Manno c. United States of America</i> (Crim.)(Qué.), 25745, *B	811(97)	
<i>Maple City Ford Sales (1986) Ltd. v. Bank of Montreal</i> (Ont.), 25786, *A	382(97)	
<i>Marine Workers' and Boilermakers' Industrial Union, Local No. 1 v. British Columbia Maritime Employers Association</i> (F.C.A.)(B.C.), 25938, *A	673(97)	
<i>Marlay Construction Ltd. v. City of Mount Pearl</i> (Nfld.), 25781, *A	196(97)	
<i>Martel c. Martel</i> (Qué.), 25092, *B	682(96)	
<i>Mason v. The Queen</i> (Crim.)(Alta.), 25716, the case is remanded to the Court of Appeal for Alberta on the first two points in issue; the application for leave to appeal on the third point in issue is dismissed 24.4.97	456(97)	750(97)
<i>Matériaux de Construction Lesage Ltée c. Simon</i> (Qué.), 25117, *B	685(96)	
<i>Mathieu v. The Queen</i> (Crim.)(Alta.), 25614, *B	674(97)	
<i>Mattatall v. Hill</i> (N.B.), 25392, *01 9.1.97	1426(96)	47(97)
<i>Mayer v. The Queen</i> (F.C.A.)(Man.), 25847, *A	499(97)	
<i>McLean v. Fowler</i> (Nfld.), 25570, *02 27.2.97	108(97)	411(97)
<i>McLellan v. The Queen</i> (F.C.A.)(Man.), 25840, *A	499(97)	
<i>McMahon v. The Queen</i> (Crim.)(Alta.), 25100, *01 4.11.96	942(96)	63(97)
<i>McMaster v. The Queen</i> (Crim.)(Alta.), 24569, *A	328(95)	
<i>McMullen v. McMullen</i> (Ont.), 25623, *02 27.2.97	209(97)	416(97)
<i>Meeker Log and Timber Ltd. v. Ship "Sea Imp VIII" Owners</i> (B.C.), 25483, *01 30.1.97	8(97)	147(97)
<i>Melanson c. Université de Montréal</i> (Qué.), 25678, *A	138(97)	
<i>Ménard v. The Queen</i> (Crim.)(Ont.), 25707, *B	458(97)	
<i>Merck & Co. Inc. v. Minister of Health and Welfare</i> (F.C.A.)(Ont.), 25660, *B	394(97)	
<i>Merck & Co. Inc. v. Minister of Health and Welfare</i> (F.C.A.)(Ont.), 25661, *B	394(97)	
<i>Merck & Co. Inc. c. Minister of Health and Welfare</i> (F.C.A.)(Qué.), 25812, *A	740(97)	
<i>Métallurgistes Unis d'Amérique, section locale 15381 (F.T.Q.) c. Lafarge Groupe matériaux de construction -- Division de Lafarge Canada Inc.</i> (Qué.), 25182, *B	688(96)	
<i>Michaud c. 2841-1585 Québec Inc.</i> (Qué.), 25586, *02 27.2.97	142(97)	402(97)
<i>Modern Marine Industries Ltd. v. Zurich Insurance Co.</i> (Nfld.), 25793, *A	383(97)	
<i>Moghbel c. The Queen</i> (F.C.A.)(Qué.), 25953, *A	809(97)	
<i>Mongrain c. Compagnie d'assurance générale Les Coopérants</i> (Qué.), 25861, *A		610(97)
<i>Montambreault c. Brazeau</i> (Qué.), 25808, *A	196(97)	
<i>Montreal Trust Co. of Canada v. Froese</i> (B.C.), 25486, *02 9.1.97	2050(96)	42(97)
<i>Moore v. Acton</i> (Ont.), 25609, *B	203(97)	
<i>Muckalt v. Zapf</i> (B.C.), 25799, *A	384(97)	
<i>Mullins-Johnson v. The Queen</i> (Crim.)(Ont.), 25860, *B	816(97)	
<i>Mutuelle du Canada c. Tremblay</i> (Qué.), 25611, *01 30.1.97	26(97)	154(97)
<i>Mutuelle-Vie des Fonctionnaires c. Lapointe-Boucher</i> (Qué.), 25701, *02 1.5.97		682(97)
	819(97)	
<i>Nelson v. The Queen</i> (Ont.), 25875, *A	611(97)	
<i>Nesbitt v. The Queen</i> (F.C.A.)(Ont.), 25687, *02 20.3.97	397(97)	558(97)
<i>Neuman v. The Queen</i> (F.C.A.)(Man.), 25565, *03 13.3.97	343(97)	518(97)
<i>Nguigain c. Fonds FCAR</i> (Qué.), 25796, *A	383(97)	
<i>Nipissing Helicopters Inc. v. Eagle Copters Maintenance Ltd.</i> (Alta.), 25529, *02 1.5.97	12(97)	823(97)
<i>Noik v. Edelstein Construction Ltd.</i> (Ont.), 25605, *02 27.2.97	289(97)	417(97)
<i>North York Hydro Electric Commission v. Fenton</i> (Ont.), 25552, *02 20.2.97	25(97)	357(97)
<i>Northwest Sports Enterprises Ltd. v. Primex Investments Ltd.</i> (B.C.), 25729, *02 24.4.97	624(97)	758(97)
<i>Norway House First Nation v. Chadee</i> (Man.), 25650, *B	393(97)	
<i>Nourhaghighi v. The Queen</i> (Crim.)(Ont.), 25562, *01 13.3.97	197(97)	511(97)
<i>Novopharm Ltd. v. Eli Lilly and Co.</i> (F.C.A.)(Ont.), 25402, *03 6.2.97	1677(96)	217(97)

<i>Oakes-Pepin c. Commission de l'emploi et de l'immigration du Canada</i> (C.A.F.)(Qué.), 25647, *02 20.3.97	397(97)	557(97)
<i>Oberlander v. Minister of Citizenship and Immigration</i> (F.C.A.)(Crim.)(Ont.), 25811, *03 3.4.97	615(97)	695(97)
<i>O'Greysik v. O'Greysik</i> (Man.), 25638, *02 27.2.97	28(97)	406(97)
<i>Okanagan Prime Products Inc. v. Henderson</i> (B.C.), 25824, *A	385(97)	
<i>Ontario Hydro v. Dableh</i> (F.C.A.)(Ont.), 25524, *02 27.2.97	2151(96)	405(97)
<i>Ontario New Home Warranty Program v. Sunforest Investment Corporation</i> (Ont.), 25897, *A	668(97)	
<i>Oppenheim c. ABN Amro Bank Canada</i> (Qué.), 25547, *B	675(97)	
<i>Orlowski v. Director, Forensic Psychiatric Institute</i> (Crim.)(B.C.), 25751, *B	613(97)	
<i>Ottens v. The Queen in right of the province of Nova Scotia</i> (N.S.), 25871, *A	611(97)	
<i>Papaioannou v. The Queen</i> (Crim.)(Ont.), 25641, *01 27.2.97	38(97)	408(97)
<i>Paquet c. Procureur général du Québec</i> (Qué.), 25923, *A	671(97)	
<i>Paquin c. National Trust Co.</i> (Qué.), 25255, *B	816(96)	
<i>Parker v. Hamelin</i> (B.C.), 25174, *02 3.3.97	1872(96)	468(97)
<i>Parker's Country Market Inc. v. The Queen</i> (N.S.), 25497, *02 1.5.97	2099(96)	821(97)
<i>Parkinson v. The Queen</i> (Crim.)(Ont.), 25826, *B	813(97)	
<i>Paryniuk v. The Queen</i> (Crim.)(Ont.), 25779, *B	681(97)	
<i>Pawluk v. Bank of Montreal</i> (Alta.), 25868, *A	610(97)	
<i>Paxton v. The Queen</i> (F.C.A.)(Ont.), 25816, *A	385(97)	
<i>Payne v. Brady</i> (Nfld.), 25596, *02 1.5.97	36(97)	827(97)
<i>Pearson c. Procureur général du Canada</i> (Qué.), 24929/30/31, *A	1712(95)	
<i>Peddle v. The Queen</i> (Nfld.), 25627, *05 17.2.97	363(97)	363(97)
<i>Peglar v. Vance</i> (B.C.), 25533, *02 27.2.97	199(97)	402(97)
<i>Perera c. Stavropoulos</i> (Qué.), 25830, *A	455(97)	
<i>Peters v. The Queen</i> (Man.), 25879, *A	667(97)	
<i>Petro Canada Inc. v. City of Vancouver</i> (B.C.), 25676, *02 10.4.97	338(97)	697(97)
<i>Phillips v. Rutherford</i> (Ont.), 25626, *02 13.3.97	343(97)	519(97)
<i>Physique Health Club Ltd. v. Carlsen</i> (Alta.), 25767, *B	687(97)	
<i>Piazza c. Procureur général du Québec</i> (Crim.)(Qué.), 25619, *02 27.2.97	30(97)	400(97)
<i>Pierre Moreault Ltée c. Sauvé</i> (Qué.), 25817, *A	385(97)	
<i>Pike v. Dennis</i> (N.S.), 25889, *A	668(97)	
<i>Pilot Insurance Co. v. Bank of Montreal</i> (Ont.), 25637, *02 27.2.97	288(97)	417(97)
<i>Pitt v. The Queen</i> (Crim.)(N.B.), 25578, *01 27.2.97	2150(96)	404(97)
<i>Place Brossard Inc. c. 131483 Canada Inc.</i> (Qué.), 25612, *01 27.2.97	283(97)	404(97)
<i>Placements Lecomont Ltée c. Cheminées Sécurité Ltée</i> (Qué.), 25598, *02 13.3.97	389(97)	517(97)
<i>Placements Lecomont Ltée c. Goulet</i> (Qué.), 25599, *02 13.3.97	390(97)	517(97)
<i>Pleau c. Commission de l'Emploi et de l'Immigration du Canada</i> (C.A.F.) (Qué.), 25553, *02 20.2.97	13(97)	353(97)
<i>Poitras v. The Queen</i> (Crim.)(Alta.), 25601, *01 1.5.97	11(97)	823(97)
<i>Polimeni v. Danzinger</i> (Man.), 25881, *A	667(97)	
<i>Pospiech c. Attorney General of Canada</i> (C.A.F.)(Qué.), 25694, *02 24.4.97	623(97)	756(97)
<i>Poulin c. Procureur général du Canada</i> (C.A.F.)(Qué.), 25592, *02 27.2.97	108(97)	411(97)
<i>Privest Properties Ltd. v. Foundation Company of Canada Ltd.</i> (B.C.), 25952, *A	809(97)	
<i>Qatar Central Bank v. Himadeh</i> (Ont.), 25846, *A	499(97)	
<i>R. v. Al Klippert Ltd.</i> (Crim.)(Alta.), 25670, *03 24.4.97	500(97)	752(97)
<i>R. v. Anderson</i> (Crim.)(B.C.), 25735, *01 1.5.97	614(97)	818(97)
<i>R. v. Arsiuta</i> (Man.), 25940, *A	673(97)	
<i>R. v. Continental Bank of Canada</i> (F.C.A.)(Ont.), 25521, *03 6.3.97	2153(96)	474(97)
<i>R. c. Cook</i> (Crim.)(Qué.), 25862, *B	811(97)	
<i>R. v. Cuerrier</i> (Crim.)(B.C.), 25738, *03 24.4.97	684(97)	760(97)
<i>R. v. Gallant</i> (P.E.I.), 25922, *A	671(97)	
<i>R. v. Griffin</i> (Crim.)(Nfld.), 25753, *01 24.4.97	546(97)	751(97)
<i>R. v. Hanson</i> (Crim.)(B.C.), 25705, *B	387(97)	
<i>R. v. MacDougall</i> (P.E.I.), 25931, *A	672(97)	
<i>R. v. Meaney</i> (Crim.)(Nfld.), 25675, *01 6.3.97 L'Heureux-Dubé J. dissenting	287(97)	474(97)
<i>R. v. Parsons</i> (Crim.)(Nfld.), 25777, *B	690(97)	
<i>R. v. Prescod</i> (Ont.), 25712, *A	4(97)	
<i>R. v. R. C.</i> (Crim.)(Nfld.), 25682, *B	340(97)	

<i>R. v. Scidmore</i> (Ont.), 25844, **05 7.3.97	499(97)	526(97)
<i>R. v. Sylliboy</i> (Crim.)(N.S.), 21929, *A	1015(90)	
<i>R. c. Valère</i> (Crim.)(Qué.), 25516, *01 6.2.97	2148(96)	210(97)
<i>R. v. Wesbrook Management Ltd.</i> (F.C.A.)(B.C.), 25732, *B	675(97)	
<i>R. in right of the Province of British Columbia v. Mochinski</i> (B.C.), 25474, the application for leave to appeal is granted, but only on the issue of non-delegable duty, 6.3.97, la demande d'autorisation d'appel est accordée, mais uniquement en ce qui concerne la question d'obligation non susceptible de délégation	1939(96)	469(97)
<i>R. in right of the Province of Ontario v. Matthews</i> (Ont.), 25482, *02 27.2.97	38(97)	409(97)
<i>R & M Construction Co. Ltd. v. Royal Trust Corp. of Canada in trust for the Standard Life Assurance Co.</i> (Nfld.), 25581, *02 1.5.97	35(97)	826(97)
<i>Racine c. Caisse Populaire Desjardins du Vieux-Québec</i> (Qué.), 25646, *02 13.3.97	340(97)	515(97)
<i>Rainthorpe v. Rice</i> (Ont.), 25941, *A	673(97)	
<i>Rallison v. The Queen</i> (Crim.)(Ont.), 25713, *B	390(97)	
<i>Ramsden v. United Kingdom</i> (Crim.)(Ont.), 25504, *01 1.5.97	33(97)	825(97)
<i>Reid v. The Queen</i> (Crim.)(N.S.), 25842, *B	743(97)	
<i>Retail, Wholesale and Department Store Union, Local 454 v. Canada Safeway Ltd.</i> (Sask.), 25356, *03 6.2.97	1544(96)	215(97)
<i>Retail, Wholesale and Department Store Union, Local 544 v. Battlefords and District Co-operative Ltd.</i> (Sask.), 25366, *03 6.2.97	1543(96)	216(97)
<i>Reynolds v. Minister of Foreign Affairs</i> (F.C.A.)(Ont.), 25423, *02 20.2.97	1940(96)	349(97)
<i>Rheume c. Gestion Bo-Ra Ltée</i> (Qué.), 25422, *05 4.3.97	483(97)	483(97)
<i>Richer c. Commission scolaire Saint-Jérôme</i> (Qué.), 25673, *01 13.2.97	142(97)	292(97)
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BEFORE THE COURT:

Pursuant to Rule 23.1 of the *Rules of the Supreme Court of Canada*, the following deadlines must be met before a motion before the Court can be heard:

Motion day : **April 21, 1997**
Service : March 31, 1997
Filing : April 7, 1997
Respondent : April 14, 1997

Motion day : **May 5, 1997**
Service : April 14, 1997
Filing : April 21, 1997
Respondent : April 28, 1997

DEVANT LA COUR:

Conformément à l'article 23.1 des *Règles de la Cour suprême du Canada*, les délais suivants doivent être respectés pour qu'une requête soit entendue par la Cour:

Audience du : **21 avril 1997**
Signification : 31 mars 1997
Dépôt : 7 avril 1997
Intimé : 14 avril 1997

Audience du : **5 mai 1997**
Signification : 14 avril 1997
Dépôt : 21 avril 1997
Intimé : 28 avril 1997

The Spring session of the Supreme Court of Canada will commence April 21, 1997.

Pursuant to the *Supreme Court Act* and *Rules*, the following requirements for filing must be complied with before an appeal will be inscribed and set down for hearing:

Case on appeal must be filed within three months of the filing of the notice of appeal.

Appellant's factum must be filed within four months of the filing of the notice of appeal.

Respondent's factum must be filed within eight weeks of the date of service of the appellant's factum.

Intervener's factum must be filed within four weeks of the date of service of the respondent's factum.

The Registrar shall inscribe the appeal for hearing upon the filing of the respondent's factum or after the expiry of the time for filing the respondent's factum

La session de printemps de la Cour suprême du Canada commencera le 21 avril 1997.

Conformément à la *Loi sur la Cour suprême* et aux *Règles*, il faut se conformer aux exigences suivantes avant qu'un appel puisse être inscrit pour audition:

Le dossier d'appel doit être déposé dans les trois mois du dépôt de l'avis d'appel.

Le mémoire de l'appelant doit être déposé dans les quatre mois du dépôt de l'avis d'appel.

Le mémoire de l'intimé doit être déposé dans les huit semaines suivant la signification de celui de l'appelant.

Le mémoire de l'intervenant doit être déposé dans les quatre semaines suivant la signification de celui de l'intimé.

Le registraire inscrit l'appel pour audition après le dépôt du mémoire de l'intimé ou à l'expiration du délai de signification du mémoire de l'intimé.

SUPREME COURT OF CANADA SCHEDULE
CALENDRIER DE LA COUR SUPREME

- 1996 -

OCTOBER - OCTOBRE						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
29	M 30	1	2	3	4	5
6	7	8	9	10	11	12
13	H 14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

NOVEMBER - NOVEMBRE						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
					1	2
3	M 4	5	6	7	8	9
10	H 11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

DECEMBER - DECEMBRE						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
1	M 2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	H 25	H 26	27	28
29	30	31				

- 1997 -

JANUARY - JANVIER						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
			H 1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

FEBRUARY - FÉVRIER						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
						1
2	M 3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

MARCH - MARS						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
						1
2	M 3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	H 28	29
30	H 31					

APRIL - AVRIL						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	M 21	22	23	24	25	26
27	28	29	30			
30						

MAY - MAI						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
				1	2	
4	M 5	6	7	8	9	10
11	12	13	14	15	16	17
18	H 19	20	21	22	23	24
25	26	27	28	29	30	31

JUNE - JUIN						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
1	M 2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Sittings of the court:
Séances de la cour:

Motions:
Requêtes:

Holidays:
Jours fériés:



18 sitting weeks / semaines séances de la cour
83 sitting days / journées séances de la cour
8 motion and conference days / journées requêtes, conférences
1 holidays during sitting days / jours fériés durant les sessions