

**SUPREME COURT
OF CANADA**

**COUR SUPRÊME
DU CANADA**

**BULLETIN OF
PROCEEDINGS**

**BULLETIN DES
PROCÉDURES**

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April 18, 1997

667 - 739

le 18 avril 1997

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Yves Bisson

Pierre Poupart

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Sa Majesté La Reine (Qué.)

Stéphane Lamarche
Subs. procureur général

DATE DE PRODUCTION 12.3.1997

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Gregory P. Delbigio

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Her Majesty The Queen (B.C.)

A. G. of Canada

FILING DATE 17.3.1997

John Van Rooyen

Bruce Duncan

v. (25800)

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A.G. of Ontario

FILING DATE 20.3.1997

Zurich Compagnie d'Assurances

Paul A. Melançon
Marchand, Magnan, Melançon, Forget

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Robert Schachter et al. (Qué.)

Robert J. Kandestin
Kugler, Kandestin

DATE DE PRODUCTION 10.3.1997

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Her Majesty The Queen (Man.)

A.G. of Manitoba

FILING DATE 11.3.1997

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Alan D. Gold
Gold & Fuerst

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Her Majesty The Queen (Ont.)

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Dept. of Justice

FILING DATE 17.3.1997

Dr. Philip I. Polimeni

Dr. Philip I. Polimeni

v. (25881)

Dr. Rudolph G. Danzinger et al. (Man.)

Michael D. Werier
D'Arcy & Deacon

FILING DATE 13.3.1997

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Holly J. Nikel
Enfield, Adair, Wood & McEwen

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Darla Smallwood et al. (Ont.)

Vincent G. Burns
McCaque, Wires, Peacock, Borlack

FILING DATE 10.3.1997

Dr. Cherry J. Pike et al.
Richard Niedermayer
Cox Downie

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Quintin Dennis et al. (N.S.)
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FILING DATE 12.3.1997

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No. 45 et al. (B.C.)**
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FILING DATE 14.3.1997

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David Layton

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J.W. Leising
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Charles Soucy (Qué.)
Pierre-Yves Morin
Pariseau Cliché

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v. (25895)

Amoco Canada Petroleum Co. Ltd. et al. (Alta.)
R.A. McLennan, Q.C.
McLennan, Ross

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James Cecil Johnstone
James Cecil Johnstone

v. (25896)

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(F.C.A.)(B.C.)**
R. Patrick Saul
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FILING DATE 17.3.1997

Ontario New Home Warranty Program
Michael W. Bader, Q.C.
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Horst Dahlem, Q.C.
Dept. of Justice

FILING DATE 17.3.1997

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S. Bryant Smith

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(N.B.)**
R. Bruce Eddy, Q.C.
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FILING DATE 24.3.1997

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Nelligan Power

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Carleton -- Section publique et al. (Ont.)**
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FILING DATE 18.3.1997

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Olivier Prat, c.r.
de Grandpré, Godin

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Le sous-ministre du Revenu du Québec (Qué.)
Pierre Séguin
Veillette & Associés

DATE DE PRODUCTION 17.3.1997

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A. Irvin Schein
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Morissette, Downs

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Palais de Justice

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Michael Conan Lewandowski
David Torske
Legal Aid Youth Office

v. (25905)

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Elizabeth Hughes
Alberta Justice

FILING DATE 21.3.1997

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Odette Lacroix
Aubut Chabot

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Roch Simard
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DATE DE PRODUCTION 26.3.1997

Clarence Harnden et al.
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FILING DATE 21.3.1997

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FILING DATE 27.3.1997

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Richard D. McNally

v. (25913)

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Burke-Robertson

FILING DATE 27.3.1997

3044190 Canada Inc.

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de Grandpré, Godin

c. (25914)

Procureur général du Québec (Qué.)

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DATE DE PRODUCTION 27.3.1997

Paul Fitzpatrick

Bruce Duncan

v. (25819)

Her Majesty The Queen (Ont.)

A.G. of Ontario
Crown Law Office - Criminal

FILING DATE 1.4.1997

Marc Brunel Belhomme

Marc Brunel Belhomme

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Joceline Hermine Valcin et al. (Qué.)

Guy & Gilbert

DATE DE PRODUCTION 18.3.1997

**Veronika Hublall, carrying on business under the
firm name and style of Ronnie's Hair Salon**

Jerome H. Stanleigh

v. (25916)

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V. Charles Anipare

FILING DATE 27.3.1997

Elias Malka

Avram Fishman
Goldstein, Flanz & Fishman

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Max B. Druker et al. (Qué.)

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DATE DE PRODUCTION 27.3.1997

Elias Malka et al.

Avram Fishman
Goldstein, Flanz & Fishman

c. (25919)

Druker et Assoc. Inc. et al. (Qué.)

Jean-Philippe Gervais
Gervais & Assoc.

DATE DE PRODUCTION 27.3.1997

Beverly Cook

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DATE DE PRODUCTION 9.4.1997

Her Majesty The Queen

Douglas R. Drysdale
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Legal Aid Office

FILING DATE 1.4.1997

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Jacques Larochelle

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DATE DE PRODUCTION 1.4.1997

The Government of the Northwest Territories

B.A. Crane, Q.C.
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FILING DATE 4.4.1997

Owen Wayne Lloyd
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Her Majesty The Queen (Alta.)
Arnold Schlayer
A.G. of Canada

FILING DATE 1.4.1997

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Raymond Piché
Ministère fédéral de la Justice

DATE DE PRODUCTION 1.4.1997

David Michael Savory
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Pinkofsky, Lockyer

v. (25927)

Her Majesty The Queen (Ont.)
John North
Dept. of Justice

FILING DATE 1.4.1997

Narinder Lal
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Castlepoint Development Corp. et al.
Martin J. Henderson
Aird & Berlis

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FILING DATE 1.4.1997

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Douglas R. Drysdale
Carr, Stevenson & MacKay

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Legal Aid Office

FILING DATE 1.4.1997

**Boreal Property and Casualty Ins. Co., formerly
Laurentian Casualty Co. of Canada**

John S. McNeil, Q.C.
Fellowes, McNeil

v. (25932)

**Warneke Inc., carrying on business under the firm
name and style of KWI Construction (Ont.)**

William G. Scott
McCarthy, Tétrault

FILING DATE 1.4.1997

Robert Walton

Robert Walton

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Annie Walton (Ont.)

Richard W. Shields

FILING DATE 2.4.1997

Health Services Association of the South Shore

Eric B. Durnford, Q.C.
McInnes, Cooper & Robertson

v. (25934)

**Health Services Association of the South Shore
Local of the Nova Scotia Nurses' Union (N.S.)**

Raymond Larkin, Q.C.
Pink, Breen, Larkin

FILING DATE 1.4.1997

Thierry Guggisberg

Martin Vauclair
Hébert, Bourque & Downs

c. (25935)

Sa Majesté La Reine (Qué.)

Gérard Milot
Subs. du procureur général

DATE DE PRODUCTION 8.4.1997

Ghislain Norman Levesque

Edward Tawkin
Tawkin Law Office

v. (25936)

The Health Sciences Centre (Man.)

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FILING DATE 7.4.1997

**The Brotherhood of Maintenance of Way
Employees**

Georges Marceau
Melançon, Marceau, Grenier et Sciortino

c. (25937)

**Compagnie des chemins de fer nationaux du
Canada et al. (Qué.)**

John A. Coleman
Ogilvy, Renault

DATE DE PRODUCTION 3.4.1997

**Marine Workers' and Boilermakers' Industrial
Union, Local No. 1**

Bruce Laughton
Laughton & Company

v. (25938)

**British Columbia Maritime Employers Association
(F.C.A.)(B.C.)**

Tom Roper
Alexander Holburn & Co.

FILING DATE 3.4.1997

Gerald Bernard Klassen

Manuel A. Azevedo
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v. (25939)

Her Majesty The Queen (B.C.)

Richard C.C. Peck, Q.C.
Peck & Tammer

FILING DATE 7.4.1997

Her Majesty The Queen

Richard A. Saull
Manitoba Justice

v. (25940)

Jozef Arsiuta (Man.)

Ken McCaffrey
Criminal Trial Centre

FILING DATE 9.4.1997

Gary Rainthorpe

Barry L. Evans

v. (25941)

David Rice (Ont.)

Bess V. Fotopoulos
Sloan

FILING DATE 4.4.1997

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

**DEMANDES SOUMISES À LA COUR
DEPUIS LA DERNIÈRE PARUTION**

MARCH 27, 1997 / LE 27 MARS 1997

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

Michael Vukelich

v. (25544)

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

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Exclusion of evidence - Whether a trial judge can refuse to hold a *voir dire* to consider *Charter* applications - Evidence - Co-conspirators exception to the hearsay rule - Whether the trial judge erred in not instructing the jury on the co-conspirators exception to the hearsay rule.

PROCEDURAL HISTORY

May 12, 1994 Supreme Court of British Columbia (Hall J.)	Conviction: conspiracy to import and traffic in cocaine
July 10, 1996 Court of Appeal for British Columbia McEachern C.J.B.C., Southin and Cumming JJ.A.)	Appeal dismissed
November 27, 1996 Supreme Court of Canada (L'Heureux-Dubé J.)	Motion for the extension of time granted
December 30, 1996 Supreme Court of Canada	Application for leave to appeal filed

Pierre Joseph Mathieu

v. (25614)

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

NATURE OF THE CASE

Criminal law - Sexual assault - Complainant's sexual history - *Criminal Code*, R.S.C. 1985, c. C-46, s. 276.1 - Whether the trial judge erred in refusing to admit the Applicant's statement to the police for the purpose of the s. 276.1 application after he had refused to admit the statement in the trial proper - Whether an accused who testifies on a s. 276.1 application can be cross-examined regarding the events forming the subject matter of the charge against him - Whether psychological harm is sufficient to constitute bodily harm in a charge of sexual assault causing bodily harm, and if so, whether the evidence in this case was sufficient to establish psychological harm amounting to bodily harm.

PROCEDURAL HISTORY

June 15, 1995
Court of Queen's Bench of Alberta (Chrumka J.)

Conviction: sexual assault causing bodily harm

October 31, 1996
Court of Appeal for Alberta
(McClung, Hunt J.J.A. and Fraser J.)

Appeal dismissed

January 7, 1997
Supreme Court of Canada

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

Her Majesty The Queen

v. (25732)

Wesbrook Management Ltd. (F.C.A.)(B.C.)

NATURE OF THE CASE

Taxation - Assessment - Statutes - Interpretation - Tax Court of Canada Rules (General Procedure), Rule 58(1)(a),
determination of a question of law - Whether the Respondent was properly assessed pursuant to ss. 159(3) of the *Income
Tax Act*, S.C. 1970-71-72, c. 63.

PROCEDURAL HISTORY

November 4, 1995
Tax Court of Canada (Rowe J.)

Respondent's motion pursuant to Rule 58(1)(a) of Tax Court of Canada Rules to determine a question of law: appeal from assessment allowed

November 5, 1996
Federal Court of Appeal
(Hugessen, Desjardins, Décaré JJ.A)

Appeal dismissed

January 6, 1997
Supreme Court of Canada

Application for leave to appeal filed

**CORAM: Chief Justice Lamer and L'Heureux-Dubé and Gonthier JJ. /
Le juge en chef Lamer et les juges L'Heureux-Dubé et Gonthier**

**Mark Oppenheim, Attorney in Fact for Certain Non-Marine Underwriters at Lloyd's London, Certain Marine Underwriters at Lloyd's, London,
V.W. Broad and Other Syndicate 370**

**et
Eagle Star Insurance Co. Ltd., Star Assurance Society Ltd.**

**et
Münchener Rückversicherungs-Gesellschaft ("Munich Re")**

**et
St. Paul Fire and Marine Insurance Co. (UK) Ltd., Sphere Drake Insurance PLC, Scor (UK) Reinsurance Co. Ltd., Prudential Assurance Co. Ltd., Guardian Royal Exchange Ass. PLC, Unionamerica Insurance Co. Ltd., Sovereign Marine & General Insurance Company Limited, Tokio Marine & Fire Insurance Company (UK) Limited, Taisho Marine & Fire Insurance Company (Europe) Limited, Uni Storebrand Insurance Company (UK) Limited, Wausau Insurance Company (UK) Limited, Alibingia Versicherungen, Anglo American Insurance Company Limited, Trinity Insurance Company Limited, Assicurazioni Generali SPA**

c. (25547)

ABN Amro Bank Canada (Qué.)

NATURE DE LA CAUSE

Procédure - Procédure civile - Appel - Certificat d'appel déserté - Rétractation de jugement - Article 503.1 du *Code de procédure civile*, L.R.Q., c. C-25 - Intimée relevée de son défaut de produire un mémoire d'appel dans le délai imparti - La Cour d'appel avait-elle juridiction ou le pouvoir en vertu de l'article 523 *C.p.c.* de relever l'intimée du défaut de produire son mémoire dans le délai impératif de quinze jours prescrit par l'article 511 *C.p.c.*, compte tenu des conséquences juridiques expresses et automatiques prévues par l'article 503.1 *C.p.c.*? - Si la Cour d'appel avait un tel pouvoir ou juridiction, ce qui est nié par les demandeurs, l'a-t-elle exercé judiciairement?

HISTORIQUE PROCÉDURAL

Le 2 juillet 1996
Cour supérieure du Québec
(Julien j.c.s.)

Objections à la preuve dans le cas de certains témoins
accueillis; objections formulées lors des interrogatoires
d'un témoin portant sur le secret professionnel rejetées;
requête en cassation de subpoena rejetée

Le 2 août 1996
Cour d'appel du Québec (Baudouin j.c.a.)

Requête pour permission d'appel du jugement
interlocutoire accueillie en partie

Le 23 septembre 1996
Cour d'appel du Québec
(Chouinard (dissident), Baudouin et Otis jj.c.a.)

Requête en annulation du certificat d'appel déserté et
pour ordonnances réparatrices accueillie

Le 16 octobre 1996
Cour d'appel du Québec (Rothman j.c.a.)

Requête pour la suspension d'exécution de jugement
accueillie

Le 22 novembre 1996
Cour suprême du Canada

Demande d'autorisation d'appel déposée

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

Murray Ryan

v. (25704)

**The Corporation of the City of Victoria, The Esquimalt and Nanaimo Railway Company and Canadian Pacific
Limited/Canadien Pacifique Limitée (B.C.)**

NATURE OF THE CASE

Torts -Negligence - Nuisance - Defence of Statutory Authority - Whether railways should benefit from special rules
regarding the defence of statutory authority and regarding the common law of nuisance.

PROCEDURAL HISTORY

May 25, 1994
Supreme Court of British Columbia (Owen-Flood J.)

Respondents jointly and severally liable in negligence;
Railways liable in nuisance

October 3, 1996
Court of Appeal for British Columbia
(Goldie, Rowles and Finch JJ.A.)

Appeal allowed in part

December 19, 1996
Supreme Court of Canada

Applications for extension of time and for leave to
appeal filed

Altoba Development Ltd.

v. (25759)

SaskPower (Sask.)

NATURE OF THE CASE

Commercial law - Contracts - Building contracts - Tender calls - Action for breach of contract - Did the trial judge err in finding that the Applicant's tender failed to comply with the terms of the call for tenders.

PROCEDURAL HISTORY

December 27, 1995
Court of Queen's Bench for Saskatchewan
(MacLean J.)

Applicant's action for damages for breach of contract
dismissed

November 12, 1996
Court of Appeal for Saskatchewan
(Vancise, Sherstobitoff and Jackson JJ.A.)

Appeal dismissed

January 13, 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**

Larry Grail

v. (25702)

**Deborah Ordon, the Executrix of the estate of Bernard Myron Ordon and the said Deborah Ordon,
personally, Jeffrey Michael Ordon, a Minor, by his litigation guardian, Deborah Ordon, Stephanie Ordon,
a Minor by her Litigation guardian, Deborah Ordon, Bessie Ordon and Ordon's Building Centre Ltd.**

AND BETWEEN:

**Christopher Hogarth, Murray Hogarth, Diana Ruth Hogarth, Pioneer Petroleums Inc., Ontario Holidays
Corporation, The Edenvale Inn, Josephine Perry and John Haller**

v.

**John Emmett Hall, Frances Norma Hall, Susan Frances Hall, E. Bruce Hall, John Peter Hall, by his committee
Maureen Hall, Maureen Hall as Executrix of the estate of Yvonne Louise Carroll, Maureen Hall in her
personal capacity, Martha Isabel Hall, Thomas James Hall, David Robert Hall, Richard Lawrence Carroll,
Marie Helena Carroll, John Gregory Carroll, Margaret Jane Carroll, Marie Suzanne Carroll, Joan Shelagh
Carroll and Laing Douglas Carroll**

AND BETWEEN:

**Christopher Hogarth, Murray Hogarth, Diana Ruth Hogarth, Pioneer Petroleums Inc., Edenvale Inn or
Edenvale and Ontario Holidays Corporation, carrying on business as
the Edenvale Inn or Edenvale**

- and -

Josephine Perry

AND BETWEEN:

**Murray Hogarth, Christopher Hogarth, Diana Ruth Hogarth, Pioneer Petroleums Inc. and Ontario Holidays
Corporation carrying on business as the Edenvale Inn,
Josephine Perry and John Haller**

- and -

**Joanne Maude Perry, William George Perry, William Harold Perry, Janet Ellen MacPhee, Ian Forbes Perry,
Susan Joanne Perry, Leslie Carol Perry, Tara Colleen Boyle, Lindsay Patrick Perry, Roberta Joanne Perry, an
infant, by her Litigation Guardian, Joanne Maude Perry, and Josephine Perry, in her capacity as
Administratrix of the Estate of Grant Kevin Perry (Ont.)**

NATURE OF THE CASE

Maritime law - Shipping - Jurisdiction - Limitation of actions - prescription - Does the Ontario Court (General Division) have concurrent original jurisdiction with the Federal Court in claims for wrongful death brought pursuant to s. 646 in Part XIV of the *Canada Shipping Act*, R.S.C. 1985, c. S-9 - Did the Court of Appeal err when it decided that certain parts of provincial legislation applied to supplement the provisions of the *Canada Shipping Act* - Whether the limitation period in s. 649 of the *Canada Shipping Act* can be extended at the discretion of a court.

PROCEDURAL HISTORY

December 22, 1992 Ontario Court (General Division) (McMahon J.)	Portions of Respondent's statement of claim struck out; Respondents' granted leave to file amended statement of claim (<i>Grail v. Ordon et al.</i>)
May 18, 1993 Ontario Court (General Division) (Zuber J.)	Applicant's motion for leave to appeal to Divisional Court granted (<i>Grail v. Ordon et al.</i>)
November 22, 1993 Ontario Court (General Division) (Kennedy J.)	Appeal transferred to the Court of Appeal for Ontario (<i>Grail v. Ordon et al.</i>)
November 10, 1994 Court of Appeal for Ontario (Dubin C.J.)	Leave granted to have special case determined in the first instance by the Court of Appeal (<i>Hall et al. v. Hogarth et al.; Perry et al. v. Hogarth et al.; Perry Estate et al. v. Hogarth et al.</i>)
October 22, 1996 Court of Appeal for Ontario (McKinlay, Catzman and Osborne JJ.A.)	Appeal dismissed (<i>Grail v. Ordon et al.</i>); declarations that the action is properly brought in the Ontario Court of Justice (General Division); declaration that the appropriate plaintiffs may rely on Part XIV of the <i>Canada Shipping Act</i> , the <i>Trustee Act</i> , and the <i>Negligence Act</i> , may claim for loss of guidance, care and companionship, may rely on the limitation period in s.572(1) of the <i>Canada Shipping Act</i> ; order that the limitation period in s.649 of the <i>Canada Shipping Act</i> be extended to permit the appropriate plaintiffs to rely on Part XIV of the <i>Canada Shipping Act</i> . (<i>Grail v. Ordon et al.; Hall et al. v. Hogarth et al.; Perry et al. v. Hogarth et al.; Perry Estate et al. v. Hogarth et al.</i>)
December 19, 1996 Supreme Court of Canada	Application for leave to appeal filed (Perry et al., Hogarth et al.)
December 20, 1996 Supreme Court of Canada	Application for leave to appeal filed (Grail)
January 16, 1997 Supreme Court of Canada	Application for leave to cross-appeal filed (Ordon et al.)
February 7, 1997 Supreme Court of Canada	Application for leave to cross-appeal filed (Hall et al.)

Lajos Balogh

v. (25752)

Emma Balogh (Ont.)

NATURE OF THE CASE

Family law - Divorce - Maintenance - Childless marriage where both parties worked throughout the course of the marriage - Applicant, an engineer, capable of earning more than the Respondent, a nurses' aid - Entitlement to spousal support - Where the payor spouse is unemployed for legitimate reasons at the time of the trial is lump sum support appropriate?

PROCEDURAL HISTORY

November 16, 1993
Unified Family Court (Philp J.)

Applicant ordered to pay spousal support monthly

November 20, 1996
Court of Appeal for Ontario
(McMurtry C.J.O., Catzman and Osborne JJ.A.)

Appeal allowed in part: *inter alia* order of trial judge varied to require Applicant to pay lump sum spousal support

January 17, 1997
Supreme Court of Canada

Application for leave to appeal filed

The Attorney General of Ontario

v. (25838)

M. and H. (Ont.)

NATURE OF THE CASE

Canadian Charter of Rights and Freedom - Family law - Maintenance - Definition of “spouse” pursuant to s. of the *Family Law Act*, R.S.O. 1990, c. F.3 - Same-sex respondents living together in relationship resembling that of marriage for twelve years - Relationship engendering economic dependency of one party on the other - Respondents separating with majority of the personal and business assets retained by non-dependant party - Whether dependant party entitled to make a claim for interim and permanent support pursuant to the *Family Law Act* - Whether statutory definition of spouse should be broadened to include same-sex couples - *Charter of Rights* - Whether dependant party’s s. 15(1) rights violated by spousal definition that does not include same-sex relationships - Whether violation under s.15(1) can be justified under s.1 - Procedural law - Costs - Whether Appellant, Attorney General, should bear the costs of appeal against successful litigant where neither party to the action has requested leave to appeal - Whether leave to appeal should be conditional on Attorney General paying Respondent, M’s costs of appeal - Whether the suspended declaration, the denial of a personal exemption and the refusal to order costs of the appeal below are legal questions of national importance.

PROCEDURAL HISTORY

February 9, 1996
Ontario Court (General Division)
(Epstein J.)

Judgment for Respondent, "M", declaring s. 29 of the
Family Law Act to be unconstitutional and permitting
her to move for interim support pursuant to the *Family
Law Act*

February 20, 1996 Court of Appeal for Ontario (Moldaver J.A.)	Order staying portion of judgment requiring Respondent, "H" to file financial statement and permitting "M" to proceed with interim motion
June 28, 1996 Ontario Court (General Division) (Epstein J.)	Supplementary Costs decision, awarding costs to the Respondent, "M" on a party - and - party scale as against the Appellant
December 18, 1996 Court of Appeal for Ontario (Finlayson, Doherty and Charron, JJ. A.)	Order suspending implementation of trial judgment for one year; Respondent, "H"'s and Appellant's appeal re costs dismissed
December 10, 1996 Ontario Court (General Division) (Epstein J.)	Order expediting trial of all issues except support
January 27, 1997 Ontario Court (General Division) (Walsh J.)	Order for Trial Management Conference to take place April 21, 1997
February 14, 1997 Supreme Court of Canada	Application for leave to appeal filed

APRIL 4, 1997 / LE 4 AVRIL 1997

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

Roman Paryniuk

v. (25779)

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

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Right to counsel - Right to be informed of reason for detention - Whether Applicant's right pursuant to s. 10(a) of the *Charter* was infringed - Whether Applicant's right pursuant to s. 10(b) was infringed - Whether the Applicant's right pursuant to s. 7 of the *Charter* was infringed - Whether the Applicant's statements should be excluded pursuant to s. 24(2) of the *Charter*.

PROCEDURAL HISTORY

APPLICATIONS FOR LEAVE
SUBMITTED TO COURT SINCE LAST ISSUE

DEMANDES SOUMISES À LA COUR DEPUIS
LA DERNIÈRE PARUTION

December 7, 1994
Ontario Court (Provincial Division) (Seneshen P.C.J.)

Conviction resisting a peace officer

October 23, 1995
Ontario Court (General Division) (Leitch J.)

Summary conviction appeal dismissed

November 28, 1996
Court of Appeal for Ontario
(Doherty, Austin and Charron JJ.A.)

Appeal dismissed

January 22, 1997
Supreme Court of Canada

Application for leave to appeal filed

C. Robert Ivey, Maziv Industries, Ltd. and INECO, Ltd.

v. (25664)

United States of America (Ont.)

NATURE OF THE CASE

International law - Conflict of laws - Procedural law - Civil Procedure - Judgments and Orders - Motion for summary judgment pursuant to Rule 20 of the Ontario Rules of Civil Procedure - Enforcement of foreign judgment - United States judgment ordering Applicants to pay the cost of cleaning up waste disposal site pursuant to their liability under United States environmental legislation.

PROCEDURAL HISTORY

November 24, 1995
Ontario Court of Justice (General Division)
(Sharpe J.)

Respondent's motion for summary judgment to enforce two foreign judgments granted; Applicants' cross-motion dismissed

September 23, 1996
Court of Appeal for Ontario
(Houlden, Osborne JJ.A. and Campbell J. (ad hoc))

Appeal dismissed

November 22, 1996
Supreme Court of Canada

Application for leave to appeal filed

**CORAM: Chief Justice Lamer and L'Heureux-Dubé and Gonthier JJ. /
Le juge en chef Lamer et les juges L'Heureux-Dubé et Gonthier**

La Mutuelle-Vie des Fonctionnaires

c. (25701)

Madame Micheline Lapointe-Boucher (Qué.)

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 JJ.C.A.)

Appel accueilli; appel incident rejeté

Le 20 décembre 1996
Cour suprême du Canada

Demande d'autorisation d'appel déposée

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

Saskatoon City Hospital

v. (25757)

Saskatchewan Union of Nurses (Sask.)

NATURE OF THE CASE

Judicial Review - Standard of Review - Contracts - Interpretation of a collective agreement - Anti-discrimination clauses - Applicability of jurisprudence under the *Charter* and human rights legislation to an interpretation of an anti-discrimination clause in a collective agreement - Whether declining to extend a normal retirement age for fiscal reasons constitutes discrimination on the basis of age.

PROCEDURAL HISTORY

November 15, 1995
Labour Arbitration Board

Grievance allowed

February 15, 1996
Court of Queen's Bench of Saskatchewan (Sirois J.)

Grievance quashed

October 17, 1996
Court of Appeal for Saskatchewan (Vancise and
Gerwing JJ.A.; Wakeling J.A. dissenting)

Appeal allowed

January 16, 1997
Supreme Court of Canada

Applications for extension of time and for leave to
appeal filed

Mavis Baker

v. (25823)

The Minister of Citizenship and Immigration (F.C.A.)(Ont.)

NATURE OF THE CASE

Immigration - Administrative law - Judicial review - Appeal - Jurisdiction - Whether federal immigration authorities treat the best interests of the Canadian child as a primary consideration in assessing an applicant under s. 114(2) of the *Immigration Act*, R.S.C. 1985, c.I-2 - Whether s.83 of the *Immigration Act* precludes consideration of questions not certified by the Trial Division judge - Whether an international convention must be expressly implemented by statute in order to have legal effect in Canada - Whether compliance with the *Convention on the Rights of the Child* would fetter the Minister's discretion under s.114(2) of the *Immigration Act* - Interpretation and application of Articles 3, 9 and 12 of the *Convention on the Rights of the Child*.

PROCEDURAL HISTORY

June 26, 1995
Federal Court of Canada (Simpson J.)

Application for judicial review dismissed

September 9, 1996
Federal Court of Canada (Simpson J.)

Application for reconsideration or variation of the
decision of June 26, 1995 dismissed

November 29, 1996
Federal Court of Appeal
(Strayer, Robertson and McDonald JJ.A.)

Appeal dismissed.

February 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**

Her Majesty The Queen

v. (25738)

Henry Gerard Cuerrier (Crim.)(B.C.)

NATURE OF THE CASE

Criminal law - Aggravated assault - Consent - Whether the Court of Appeal erred in failing to find that where an accused has unprotected sexual intercourse with another person, knowing that he is HIV positive and deliberately deceiving his partner about his HIV status, the consent obtained is vitiated by fraud, is not informed consent, is vitiated by reason of public policy, or the scope of the consent is exceeded.

PROCEDURAL HISTORY

January 5, 1995
Supreme Court of British Columbia (Drost J.)

Acquittal: aggravated assault (2 counts)

November 15, 1996
British Columbia Court of Appeal (McEachern C.J.B.C.,
Goldie, Rowles, Prowse and Williams JJ.A.)

Appeal dismissed

January 13, 1997
Supreme Court of Canada

Application for leave to appeal filed

James Cecil Johnstone

v. (25896)

British Columbia Maritime Employers Association (B.C.)

NATURE OF THE CASE

Procedural Law - Pre-trial procedure - Choice of Counsel - Dismissal of action for undue delay.

PROCEDURAL HISTORY

January 6, 1996 Federal Court of Appeal (Marceau J.A.)	Motion to appoint counsel dismissed
July 22, 1996 Federal Court of Appeal (Hugesson J.A.)	Order to show cause why application for judicial review should not be dismissed for undue delay
August 19, 1996 Federal Court of Appeal (McDonald J.A.)	Show cause stayed
December 5, 1996 Supreme Court of Canada (L'Heureux-Dubé, Sopinka, McLachlin JJ.A)	Applications for extension of time and for leave to appeal from decision regarding motion to appoint counsel dismissed
January 14, 1997 Federal Court of Appeal	Application for judicial review dismissed
March 17, 1997 Supreme Court of Canada	Application for leave to appeal filed

**MOTION FOR RECONSIDERATION -- REHEARING /
DEMANDE DE RÉEXAMEN -- NOUVELLE AUDITION**

**CORAM: Chief Justice Lamer and Gonthier and Iacobucci JJ. /
Le juge en chef Lamer et les juges Gonthier et Iacobucci**

Canderel Limited v. Her Majesty The Queen (F.C.A.)(Ont.)(24663)

APRIL 8, 1997 / LE 8 AVRIL 1997

**CORAM: Chief Justice Lamer and L'Heureux-Dubé and Gonthier JJ. /
Le juge en chef Lamer et les juges L'Heureux-Dubé et Gonthier**

Bernard St-Aubin

c. (25764)

Le Curateur public du Québec

et

Rosaire Théorêt

et

Le Club juridique (Qué.)

NATURE DE LA CAUSE

Procédures - Procédure civile - Appel - Requête de l'intimé pour être autorisé à vendre l'immeuble du demandeur accueillie - Requête du demandeur pour permission d'appel rejetée - La Cour d'appel du Québec a-t-elle commis une erreur en rejetant la requête pour permission d'appel du demandeur?

HISTORIQUE PROCÉDURAL

Le 16 septembre 1996 Cour supérieure du Québec (Flynn J.C.S.)	Requête de l'intimé pour être autorisé à vendre l'immeuble du demandeur accueillie
Le 18 novembre 1996	Cour d'appel du Québec (Deschamps J.C.A.)

Requête du demandeur pour permission d'appel rejetée

Le 15 janvier 1997
Cour suprême du Canada

Demande d'autorisation d'appel déposée

APRIL 11, 1997 / LE 11 AVRIL 1997

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

T.E.M.

v. (25734)

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

NATURE OF THE CASE

Criminal law - Counsel's address to the jury - Whether the Crown's address prejudiced the Applicant or deprived him of a fair trial - Whether the trial judge erred in not correcting or clarifying the Crown's address - Whether there was a miscarriage of justice.

PROCEDURAL HISTORY

January 20, 1995
Court of Queen's Bench of Alberta (Wilson J.)

Conviction: incest

September 24, 1996
Court of Appeal of Alberta
(Kerans, McFadyen and Perras JJ.A.)

Appeal dismissed

February 3, 1997
Supreme Court of Canada

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

Ernest A.J. Hawrish

v. (25748)

Lyle Cundall, Harvey Walker, and Wilson Olive (Sask.)

NATURE OF THE CASE

Administrative law - Jurisdiction - Statutes - Interpretation - Does a self-governing professional body have the jurisdiction to regulate the termination of the membership of a non-practising member? - Can a self-governing professional body interpret its own rules to be void and of no effect, where it has acted upon and had the benefit of those rules, and where such interpretation is to its benefit? - *The Legal Profession Act, 1990*, S.S. 1990-91 c. L- 10.1.

PROCEDURAL HISTORY

August 9, 1995
Hearing Committee of the Law Society of Saskatchewan

Rule 1101(1) of *The Rules of The Law Society of Saskatchewan* is *ultra vires*

November 18, 1996
Court of Appeal for Saskatchewan
(Bayda C.J., Vancise and Wakeling JJ.A.)

Appeal dismissed

January 16, 1997
Supreme Court of Canada

Application for leave to appeal filed

**Physique Health Club Ltd. carrying on business under
the name and style of Physique Fitness Store**

v. (25767)

Glenn Carlsen, Jeanne Carlsen and Fitness Equipment of Calgary Ltd. (Alta.)

NATURE OF THE CASE

Commercial law - Fiduciary obligation - Nephew hired to run store for uncle's business and quitting without notice following dispute about compensation - Applicant awarded damages for breach of fiduciary duty by trial judge, but order set aside by Court of Appeal - Proper analytical model regarding the law of fiduciary duty with respect to a key management employee - What type of economic information constitutes confidential information of law - Fiduciary's predatory competition during the notice period.

PROCEDURAL HISTORY

June 16, 1995
Court of Queen's Bench (Lee J.)

Judgment for the Applicant

November 20, 1996
Court of Appeal of Alberta
(Belzil, O'Leary and Berger JJ.A.)

Appeal allowed: trial judgment vacated in part

January 16, 1997
Supreme Court of Canada

Application for leave to appeal filed

Avis Immobilien G.M.B.H.

v. (25749)

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

NATURE OF THE CASE

Taxation - Assessment - Deduction of foreign exchange loss - Whether foreign exchange loss amount Applicant paid to Bank was an outlay or expense "made or incurred...for the purpose of making the disposition" within the meaning of s. 40(1)(a)(i) of the *Income Tax Act*, R.S.C. 1985 (5th supp.) c. 1 and therefore deductible in computing capital gain from the disposition of properties.

PROCEDURAL HISTORY

January 5, 1994
Tax Court of Canada (Rip J.)

Applicant's appeal from Minister's assessment under the *Income Tax Act* dismissed

November 14, 1996
Federal Court of Appeal
(Hugessen, Décarý and Chevalier JJ.A.)

Appeal dismissed

January 13, 1997
Supreme Court of Canada

Application for leave to appeal filed

**CORAM: Chief Justice Lamer and L'Heureux-Dubé and Gonthier JJ. /
Le juge en chef Lamer et les juges L'Heureux-Dubé et Gonthier**

Coopérative de Commerce "Des Mille-Îles", André Malo, Paul Bélanger, Pierre Laporte

c. (25703)

Société des alcools du Québec (S.A.Q.) et le Procureur général du Québec (Qué.)

NATURE DE LA CAUSE

Couronne - Droit commercial - Droit administratif - Responsabilité civile - Contrats - Obligation - Injonction - Dommages-intérêts - Appel d'offres au public - Vente de succursales de la Société des alcools du Québec - Injonction permanente - Responsabilité de l'état - Dommages moraux - Exécution forcée de l'obligation de livrer une succursale - Tentative avortée de privatiser un certain nombre de succursales de la Société des alcools du Québec - Un contrat a-t-il été valablement formé entre la Société des alcools du Québec et les demandeurs, soumissionnaires, compte tenu que les décisions du Conseil des ministres remplacent celles du Conseil du trésor? - Le gouvernement et la Société des alcools du Québec sont-ils responsables en dommages à l'égard des demandeurs? - Application de la *Charte des droits et libertés de la personne*, L.R.Q. c. C-12, et de la *Charte canadienne des droits et libertés* - Entente de procéder au moyen d'une cause-type - Effet d'un jugement dans une cause-type.

HISTORIQUE PROCÉDURAL

Le 28 février 1994
Cour supérieure du Québec (Trudeau j.c.s.)

Action des demandeurs accueillie en partie

Le 23 août 1996
Cour d'appel du Québec
(Lebel, Tourigny et Proulx jj.c.a.)

Appel principal des demandeurs rejeté; appel incident de
la Société des alcools du Québec accueilli

Le 19 décembre 1996
Cour suprême du Canada

Demande d'autorisation d'appel et demande de
prorogation de délai déposées

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

Paul Franklin Watson

v. (25768)

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

NATURE OF THE CASE

Criminal law - Defence - Applicant convicted of unlawfully acting as a master of a vessel, without being the holder of a valid master's certificate contrary to section 8(1)(a) of the Ships Deck Watch Regulations - Can the Court of Appeal reverse a finding of fact - Is a reasonable mistake of a regulation an excuse or defence.

PROCEDURAL HISTORY

April 11, 1994
Provincial Court of Newfoundland (Woodrow J.)

Conviction: unlawfully acting as a master of a vessel

July 11, 1995
Supreme Court of Newfoundland (Bartlett J.)

Appeal allowed: conviction quashed

November 6, 1996
Court of Appeal for Newfoundland
(O'Neill, Cameron J.J.A. and Gushue C.J.N.)

Appeal allowed: acquittal overturned; conviction and sentence restored

January 16, 1997
Supreme Court of Canada

Application for leave to appeal filed

Her Majesty The Queen

v. (25777)

Gregory Jacob Parsons (Crim.)(Nfld.)

NATURE OF THE CASE

Criminal law - Evidence - Hearsay Evidence - Whether all of the hearsay evidence should have been admitted at trial where much of it was repetitive - Whether the necessity requirement for hearsay evidence involves a consideration of the amount of evidence.

PROCEDURAL HISTORY

February 15, 1994
Supreme Court of Newfoundland (Trial Division)
(Lang J.)

Conviction: second degree murder

December 3, 1996
Supreme Court of Newfoundland (Court of Appeal)
(Gushue C.J.N., O'Neill and Steele JJ.A.)

Appeal allowed, new trial ordered

January 23, 1997
Supreme Court of Canada

Application for leave to appeal filed

Eileen Grace Bahlsen

v. (25783)

Her Majesty The Queen as represented by the Minister of Transport (F.C.A.)(Ont.)

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Civil rights - Whether the Federal Court of Appeal misapplied the minimal impairment branch of the proportionality test under s.1 of the *Canadian Charter of Rights and Freedoms* - Whether the Federal Court of Appeal effectively reversed the burden of proving that a limitation under s.15 of the *Canadian Charter of Rights and Freedoms* was demonstrably justified in a free and democratic society - Whether cases in employment law under human rights legislation should have been applied - Whether the Federal Court of Appeal erred in law by effectively reversing the onus under s.1 of the *Charter*.

PROCEDURAL HISTORY

June 30, 1995
Federal Court of Canada, Trial Division (Gibson J.)

Declaration that section 3.18 of the *Transport Canada
Air Personnel Licensing Handbook* is unconstitutional

November 25, 1996
Federal Court of Canada, Court of Appeal
(Isaac C.J., Pratte and McDonald JJ.A.)

Appeal allowed

January 25, 1997
Supreme Court of Canada

Application for leave to appeal filed

Barbican Properties Inc.

v. (25760)

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

NATURE OF THE CASE

Taxation - Assessment - Statutes - Interpretation - Whether the Tax Court erred in its interpretation and application of paragraphs 20(1)(c) and 18(1)(i) of the *Income Tax Act*.

PROCEDURAL HISTORY

April 16, 1996
Tax Court of Canada (Margeson J.)

Appeal from reassessments dismissed

November 20, 1996
Federal Court of Appeal
(McDonald, Henry JJ.A. and Isaac C.J.)

Appeal dismissed

January 15, 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**

Helen Marie Bottrell

v. (25789)

Herbert Bruce Bottrell (B.C.)

NATURE OF THE CASE

Family law - Division of Property - Maintenance - Evidence - Applicant wife's counter-petition for division of family assets pursuant to *Family Relations Act*, R.S.B.C. 1979, c. 121, and maintenance dismissed - Little or unsatisfactory evidence to support her claims - Protracted proceedings - Failure on part of Applicant's counsel to take advantage of numerous opportunities to present evidence - Evidence deficient in any event - Whether Court of Appeal erred in deciding that trial judge did not err in law and in misapprehending the evidence before him - Whether Court of Appeal erred in deciding that the rulings of the trial judge were solely in his discretion and that the discretion was properly exercised.

PROCEDURAL HISTORY

February 22, 1994 Supreme Court of British Columbia (Bouck J.)	Applicant's counter-petition dismissed
November 27, 1997 Court of Appeal for British Columbia (Cumming, Finch, and Ryan JJ.A.)	Applicant's appeal dismissed with costs
January 24, 1997 Supreme Court of Canada	Application for leave to appeal filed

Ninal Kadenko, Boris Fedosov, Alexander Fedosov et Mila Fedosov

c. (25689)

Le Ministre de la citoyenneté et de l'immigration (C.A.F.)(Qué.)

NATURE DE LA CAUSE

Immigration - Revendication du statut de réfugié - Citoyens d'Israël d'origine ukrainienne et de religion chrétienne - La Cour d'appel fédérale a-t-elle erré en concluant que le refus de certains policiers d'intervenir ne saurait en lui-même rendre l'État incapable de le faire? - A-t-elle erré en tenant pour acquis que l'État d'Israël possède des institutions politiques et judiciaires capables de protéger ses citoyens? - A-t-elle erré en statuant que le fardeau de preuve qui incombe au revendicateur sur la question de la capacité de l'État de protéger ses ressortissants est directement proportionnel au degré de démocratie atteint chez l'État en cause? - *Canada (Procureur général) c. Ward*, [1993] 2 R.C.S. 689.

HISTORIQUE PROCÉDURAL

Le 31 janvier 1994
Commission de l'immigration et du statut de réfugié
(Section du statut de réfugié)

Revendication par les demandeurs du statut de réfugié
refusée

Le 9 juin 1995
Cour fédérale (Section de première instance)
(Tremblay-Lamer j.)

Demande de contrôle judiciaire accordée, décision de la
Commission cassée et affaire renvoyée devant un
nouveau panel; certification d'une question en vertu de
l'art. 83(1) de la *Loi sur l'immigration*

Le 15 octobre 1996
Cour d'appel fédérale
(Hugessen, Décary et Chevalier jj.c.a.)

Appel accueilli, réponse négative à la question certifiée,
jugement de la Section de première instance cassé et
demande de contrôle judiciaire rejetée

Le 16 décembre 1996
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Walter Koszil

v. (25730)

National Bank of Canada (B.C.)

NATURE OF THE CASE

Commercial law - Banks/banking operations - Loan - Whether the Court of Appeal erred in failing to find a fiduciary duty owed by a bank to a borrower - Whether the Court of Appeal erred in failing to hold the applicant had a right to call a chartered accountant as an expert witness - Whether the Court of Appeal erred in basing their decision on findings of credibility adverse to the applicant - Whether the Court of Appeal erred in restricting their consideration of the evidence to events up to about the end of November, 1979.

PROCEDURAL HISTORY

December 16, 1994
Supreme Court of British Columbia (Bouck J.)

Respondent's claim allowed; Applicant's counterclaim dismissed

November 5, 1996
Court of Appeal for British Columbia
(Southin, Donald, Newbury JJ.A.)

Appeal dismissed

December 20, 1996
Court of Appeal for British Columbia
(Southin, Donald and Newbury JJ.A.)

Application for rehearing dismissed

January 6, 1997
Supreme Court of Canada

Application for leave to appeal filed

**Canada Southern Petroleum Ltd., Magellan Petroleum Corporation and
Pantepec International, Inc.**

v. (25895)

**Amoco Canada Petroleum Company Ltd., Amoco Production Company, Amoco Canada Resources Ltd.,
(formerly Dome Petroleum Limited), Anderson Oil and Gas Inc. (formerly Columbia Gas Development of
Canada Ltd.), Mobil Oil Canada, Ltd., Imperial Oil Resources Limited (formerly Esso Resources Canada
Limited), Mobil Resources Ltd. and Mobil Oil Canada Properties**

- and -

**Anderson Oil and Canada Inc. (formerly Columbia Gas Development of Canada Ltd., Mobil Resources Ltd.
(formerly Canadian Superior Oil Ltd.), Imperial Oil Resources Limited (formerly Esso Resources Canada
Limited), Mobil Oil Canada Ltd., Allied-Signal Inc., Home Oil Company Limited, Kern County Land
Company and Mobil Oil Canada Properties**

- and -

Imperial Oil Limited and Esso Resources Canada Limited (now Imperial Oil Resources Limited)

- and -

Canada Southern Petroleum Ltd.

- and -

Columbia Gas Development of Canada Ltd., Dome Petroleum Limited, Amoco Canada Petroleum Company Ltd., Mobil Oil Canada Ltd., and Esso Resources of Canada Ltd. (Alta.)

NATURE OF THE CASE

Labour Law - Law of Professions - Choice of Counsel - Conflict of Interest - Solicitor transfers to another firm that is representing opponents to a former client of the solicitor in civil litigation - Whether solicitor's new firm should be allowed to continue to represent the former client's opponents.

PROCEDURAL HISTORY

December 17, 1996 Court of Queen's Bench of Alberta (Moore C.J.)	Application to allow continuance of choice of counsel granted
February 25, 1997 Court of Appeal of Alberta (O'Leary, Picard and Hunt JJ.A.)	Appeal dismissed
March 18, 1997 Supreme Court of Canada	Application for leave to appeal filed

**MOTION FOR RECONSIDERATION -- REHEARING /
DEMANDE DE RÉEXAMEN -- NOUVELLE AUDITION**

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

1. Salvatore Gramaglia v. Sunlife Trust Co. et al. (Alta.)(25446)
-

APRIL 3, 1997 / LE 3 AVRIL 1997

25811 **HELMUT OBERLANDER v. THE MINISTER OF CITIZENSHIP AND IMMIGRATION and
between JOHANN DUECK v. THE MINISTER OF CITIZENSHIP AND IMMIGRATION and
between ERICH S TOBIASS v. THE MINISTER OF CITIZENSHIP AND IMMIGRATION
(Ont.)**

CORAM: The Chief Justice and Cory and McLachlin JJ.

The applications for leave to appeal are granted, on the condition that the appeal be ready to be heard in the Spring session of 1997.

Les demandes d'autorisation de pourvoi sont accueillies, à la condition que le pourvoi soit prêt à être entendu au cours de la session du printemps de 1997.

NATURE OF THE CASES

Procedural Law - Courts - Judges - Independence of judiciary - Reasonable apprehension of bias - Remedies - Stays of proceedings - Procedure on References to the Courts in order to revoke citizenship pursuant to *Citizenship Act*, R.S.C. 1985, c. C-29 - Role of a Chief Justice - Whether *ex parte* meeting and correspondence between an Assistant Deputy Attorney General of the Department of Justice of the Government of Canada and the Chief Justice of Federal Court regarding Applicants' cases, and an intervention by the Chief Justice of the Federal Court in the cases, raised a reasonable apprehension of bias and warranted stays of proceedings.

PROCEDURAL HISTORY

July 4, 1996 Federal Court of Canada (Cullen J.)	Stays of proceedings granted
December 12, 1996 Federal Court of Appeal (Pratte, Marceau and Stone JJ.A.)	Motions to quash appeal dismissed
January 14, 1997 Federal Court of Appeal (Pratte, Marceau and Stone JJ.A.)	Appeal granted
February 17, 1997 Supreme Court of Canada (L'Heureux-Dubé J.)	Extensions of time to file applications for leave granted
February 19, 1997 Supreme Court of Canada	Application for leave to appeal filed by Helmut Oberlander
March 10, 1997 Supreme Court of Canada	Application for leave to appeal filed by Johann Dueck
March 13, 1997 Supreme Court of Canada	Application for leave to appeal filed by Erichs Tobiass

25859 **CANADIAN BROADCASTING CORPORATION, CLAUDE VICKERY, HANNAH GARTNER,
HARVEY CASHORE AND DAN O'CONNELL v. THE HONOURABLE JUDGE JEAN-
LOUIS BATIOU AND GERALD AUGUSTINE REGAN (N.S.)**

CORAM: The Chief Justice and Cory and McLachlin JJ.

The application for leave to appeal and all related applications are dismissed.

La demande d'autorisation d'appel et toutes autres demandes connexes sont rejetées.

NATURE OF THE CASE

Criminal law - Procedural law - Canadian Charter - Criminal - Pre-trial procedure - Subpoenas *duces tecum* - *Canadian Charter of Rights and Freedoms* - Third parties ordered to bring records in their possession to the preliminary inquiry.

PROCEDURAL HISTORY

July 8, 1996
Nova Scotia Provincial Court
(Batiot J.)

Subpoenas issued without any reference to video tapes, audio recordings, notes or records of the complainant's communications

September 20, 1996
Supreme Court of Nova Scotia
(Glube C.J.S.C.)

Application for *certiorari* dismissed; application (*inter partes*) for an order in the nature of mandamus granted, subpoena(s) *duces tecum* shall issue in accordance with section 700(1) and Form 16 of the *Criminal Code*, including the requirement to produce

February 13, 1997
Nova Scotia Court of Appeal
(Freeman, Roscoe and Bateman JJ.A.)

Appeal allowed on the issuance of the subpoenas *duces tecum* and matter remitted to Batiot J.; appeal in respect of the issuance of the subpoenas dismissed

25711 **RICHARD JAMES SOCOBASIN v. HER MAJESTY THE QUEEN** (Crim.)(N.S.)

CORAM: **L'Heureux-Dubé, Sopinka and Iacobucci 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 - Juries - Whether the trial judge erred in allowing the trial to proceed with only 11 jurors.

PROCEDURAL HISTORY

November 22, 1995
Supreme Court of Nova Scotia
(Goodfellow J.)

Conviction: first degree murder

October 3, 1996
Nova Scotia Court of Appeal
(Hallett, Freeman, and Pugsley JJ.A)

Appeal dismissed

December 20, 1996
Supreme Court of Canada

Application for leave to appeal and extension of time
filed

25648 **MICHELINE SAVARIE c. LE PROCUREUR GÉNÉRAL DU CANADA** (C.A.F.)(Qué.)

CORAM: Les juges L'Heureux-Dubé, Sopinka et Iacobucci

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 administratif - Assurance-chômage - Contrôle judiciaire - Législation - Interprétation de l'expression "en raison de" du paragraphe 58(9) du *Règlement sur l'assurance-chômage*, C.R.C., ch. 1576 - Répartition de la somme reçue par la demanderesse au titre des congés de maladie non utilisés en raison de la cessation de son emploi - La Cour d'appel fédérale a-t-elle erré en décidant que les sommes reçues par la demanderesse, à titre de congés monnayables, l'avait été en raison de la cessation de son emploi et non en raison de la convention collective?

HISTORIQUE PROCÉDURAL

Le 26 juin 1992
Décision du Conseil arbitral (Leclerc, président, Giroux
et Paquin, membres)

Appel de la demanderesse accueilli; la rémunération est
reçue en vertu de la convention collective

Le 15 mai 1995
Décision du juge-arbitre (Lacoursière J.)

Appel de la CEIC rejeté

Le 27 septembre 1996
Cour d'appel fédérale du Canada
(Marceau, Décary et Chevalier (suppléant), J.J.C.A.)

Demande de révision judiciaire de la CEIC accordée

Le 27 novembre 1996
Cour suprême du Canada

Demande d'autorisation d'appel déposée

APRIL 10, 1997 / LE 10 AVRIL 1997

25676 **PETRO CANADA INC. AND GULF CANADA LIMITED v. CITY OF VANCOUVER** (B.C.)

CORAM: The Chief Justice and Cory and McLachlin 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 - Injurious Affection - Proper test to determine whether damage would have been actionable at law but for the authority's statutory powers when determining if a claim for injurious affection arises - Whether changes to a roadway represented public inconvenience or interference with private access to the roadway.

PROCEDURAL HISTORY

October 12, 1994
Expropriation Compensation Board of British Columbia

Claim dismissed

October 6, 1996
Court of Appeal for British Columbia
(Hollinrake, Ryan and Donald JJ.A)

Appeal dismissed

December 5, 1996
Supreme Court of Canada

Application for leave to appeal filed

25677 **FRANCO FALSO v. FURIO DE STEFANIS AND HEAN, WYLIE, PEACH, DE STEFANIS**
(B.C.)

CORAM: The Chief Justice and Cory and McLachlin 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 - In the circumstances, did the Court of Appeal err in refusing to extend the time for appealing the dismissal of an action in order for the Applicant time to instruct and retain counsel?

PROCEDURAL HISTORY

September 6, 1994 Supreme Court of British Columbia (Stewart J.)	Action dismissed for failure to file transcripts as ordered November 26, 1993 by Stewart J.
March 6, 1995 Court of Appeal for British Columbia (Ryan J.A.)	Order that unless appeal books and transcripts were filed by April 3, 1995, appeal stands dismissed upon further application to the court
April 7, 1995 Court of Appeal for British Columbia (Carrothers J.A.)	Appeal dismissed
November 27, 1995 Court of Appeal for British Columbia (McEachern, Prowse and Williams JJ.A.)	Application to vary order of Carrothers J.A. granted on conditions
October 7, 1996 Court of Appeal for British Columbia (Esson, Southin and Newbury JJ.A.)	Motion for adjournment dismissed; appeal dismissed
December 5, 1996 Supreme Court of Canada	Application for leave to appeal filed

25656 **DANIEL CHARLAND v. HER MAJESTY THE QUEEN** (Crim.)(Alta.)

CORAM: The Chief Justice and Cory and McLachlin JJ.

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

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

NATURE OF THE CASE

Criminal law - Jury Charge - Exhortation - Whether trial judge erred in telling the jury that they should take their time in reaching a verdict - Whether trial judge erred in not reviewing evidence for jury - Whether trial judge erred in not using "W.(D.)" formulation when instructing jury on credibility.

PROCEDURAL HISTORY

March 31, 1995 Alberta Court of Queen's Bench (Lewis J.)	Conviction:sexual assault, assault causing bodily harm and uttering threats
September 24, 1996 Court of Appeal for Alberta (Kerans J.A. [dissenting], McFadyen and Perras JJ.A.)	Appeal dismissed
December 5, 1996 Supreme Court of Canada	Notice of appeal as of right filed
January 24, 1997 Supreme Court of Canada	Application for leave to appeal and motion for the extension of time filed

25766 **MOHAMED RAFAEEK ALI v. HER MAJESTY THE QUEEN** (Crim.)(Ont.)

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

Criminal law - Judicial Interim Release - Bail - What is the correct standard of review to be applied by the Court of Appeal when reviewing an order for release or detention - What factors should be considered by the Court of Appeal when reviewing an order of release or detention - Was the Court of Appeal correct in drawing inferences from hearsay and chastising the Applicant's right to silence by findings made in the absence of testimony by the Applicant - Was the trial judge correct in exercising his discretion pursuant to s. 518(1)(a) of the *Criminal Code* in order to allow him to examine the Applicant - Was the learned trial judge correct in exercising his discretion under Rule 2.02 of the Criminal Rules of Procedure to exclude the Applicant's affidavit originally submitted with his application for bail - Is Rule 20, which requires the Applicant to file an affidavit, in direct contravention of ss. 7, 11, and 13 of the *Charter* - Can the Crown elicit evidence *de novo* at the hearing of the bail appeal - What is the correct test for judicial interim release.

PROCEDURAL HISTORY

August 20, 1996 Ontario Court (Provincial Division) (Stong J.)	Applicant released on bail with conditions
November 4, 1996 Court of Appeal for Ontario (Labrosse, Doherty and Abella JJ.A.)	Release order set aside and an order directing the detention of the Applicant substituted
January 3, 1997 Supreme Court of Canada	Application for leave to appeal filed

25658 **ERICO CARDOSO v. JAMES DOUGLAS BUDD** (Man.)

CORAM: L'Heureux-Dubé, Sopinka and Iacobucci 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 - Evidence - Actions - Whether the discoverability principle should and can be interpreted to allow litigants to await the opinion of an expert before the litigant is found to have knowledge of the material facts on which to base a cause of action - Does the limitation period only begin after the receipt of an expert opinion

asserting the existence of a claim despite the litigant already having knowledge of material facts or access to the material facts, including the advice of other experts.

PROCEDURAL HISTORY

December 8, 1995
Court of Queen's Bench of Manitoba
(DeGraves J.)

Respondent's notice of application for leave to begin
action in negligence against Applicant pursuant to s.
14(1) of *The Limitation of Actions Act*, C.C.S.M. L150
premature

September 25, 1996
Court of Appeal of Manitoba
(Huband, Lyon and Helper JJ.A.)

Appeal allowed on issue dealing with the trial judge's
finding that the original application for leave was
premature

November 22, 1996
Supreme Court of Canada

Application for leave to appeal filed

25686 **BRIAN THOMPSON v. DISCIPLINE COMMITTEE OF THE CHIROPRACTORS'
ASSOCIATION OF SASKATCHEWAN and BOARD OF CHIROPRACTORS' ASSOCIATION
OF SASKATCHEWAN** (Sask.)

CORAM: L'Heureux-Dubé, Sopinka and Iacobucci 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

Canadian Charter of Rights and Freedoms - Statutes - Interpretation - Freedom of expression - Right to vote - S. 322.1 of *Canada Elections Act*, R.S.C. 1985, c. E-2 banning broadcast, publication or dissemination of results of public opinion polls for several days immediately prior to holding of federal election - Did the Ontario Court of Appeal err in holding that an absolute ban on a form of political speech for the final three days before a Federal election is consistent with the right to an informed vote under section 3 of the *Canadian Charter of Rights and Freedoms*? - Did the Ontario Court of Appeal err in holding that section 322.1 of the *Canada Elections Act* constitutes a reasonable limit of both section 2(b) and section 3 of the *Canadian Charter of Rights and Freedoms*?

PROCEDURAL HISTORY

May 15, 1995
Ontario Court (General Division)
(Somers J.)

Applicant's Application for a declaration that 322.1 of the Canada *Elections Act* violates ss. 2(b) and 3 of the *Charter of Rights and Freedoms* and is not justified under s. 1 dismissed

August 19, 1996
Court of Appeal for Ontario
(Catzman, Carthy and Charron JJ.A)

Appeal dismissed

October 30, 1996
Supreme Court of Canada

Application for leave to appeal filed

APRIL 17, 1997 / LE 17 AVRIL 1997

25762 **MAURO TRINCHINI v. HER MAJESTY THE QUEEN** (Crim.)(Ont.)

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

Criminal law - Change of venue - Jurisdiction - Whether the trial judge had jurisdiction to change the venue of the Applicant's trial without an application by the parties - Whether the trial judge did in fact order a change of venue since the trial was to be held in the same judicial region in which the Applicant was indicted - Whether this Court has jurisdiction to entertain an appeal from an interlocutory order in a criminal proceeding where the Applicant is the accused

PROCEDURAL HISTORY

November 22, 1996
Ontario Court (General Division) (Haines J.)

Order changing the venue of the trial

January 21, 1997
Supreme Court of Canada

Application for leave to appeal filed

25692 **GERALD E. LITOWITZ, HEADWAY PROPERTY INVESTMENT 78-I and HEADWAY PROPERTY INVESTMENT 78-I INC. v. ROYAL TRUST CORPORATION OF CANADA, TRUSTEE FOR THE STANDARD LIFE ASSURANCE COMPANY and THE STANDARD LIFE ASSURANCE COMPANY** (Ont.)

CORAM: The Chief Justice and Cory and McLachlin 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 - Mortgages - Prepayment - Statutory right to prepay where mortgage for more than five years pursuant to the *Interest Act*, R.S.C. 1985, c. 1-15, s.10(1) and *Mortgages Act*, R.S.O. 1990, c.M.40, s.18(1) - Statutory right to prepay not available to corporations, *Interest Act*, s. 10(2) and *Mortgages Act*, s. 18(2) - Did the Court of Appeal err in interpreting the statutory prepayment provisions - If the corporate mortgagor is a nominee or trustee for a non-corporate beneficial owner, is the identity of the beneficial owner, rather than the identity of the corporate mortgagor, determinative of the applicability of the exemption clause in subsection (2) - Is the exemption clause applicable if the party seeking to prepay a corporate mortgage pursuant to s-s. (1) is an individual "liable to pay or entitled to redeem" the mortgage.

PROCEDURAL HISTORY

June 7, 1995 Ontario Court of Justice (General Division) (Potts J.)	Applicants' application for a declaration to prepay the mortgages allowed
October 31, 1996 Court of Appeal for Ontario (Robins, Finlayson, Weiler JJ.A.)	Appeal allowed
December, 17, 1996 Supreme Court of Canada Mr. Justice Iacobucci	Motion to extend time granted
January 30, 1997 Supreme Court of Canada	Application for leave to appeal filed

25714 **JOEL VALE AND H.L.V. TRADING LIMITED v. SUN LIFE ASSURANCE COMPANY OF CANADA and JOEL VALE AND J.V. TRADING LIMITED v. SUN LIFE ASSURANCE COMPANY OF CANADA and JOEL VALE AND H.L.V. TRADING LIMITED v. SUN LIFE ASSURANCE COMPANY OF CANADA** (Ont.)

CORAM: The Chief Justice and Cory and McLachlin 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 - Mortgages - Prepayment - Statutory right to prepay where mortgage for more than five years pursuant to the *Interest Act*, R.S.C. 1985, c. I-15, s.10(1) and *Mortgages Act*, R.S.O. 1990, c.M.40, s.18(1) - Statutory right to prepay not available to corporations, *Interest Act*, s. 10(2) and *Mortgages Act*, s. 18(2) - Did the Court of Appeal err in interpreting the statutory prepayment provisions - If the corporate mortgagor is a nominee or trustee for a non-corporate beneficial owner, is the identity of the beneficial owner, rather than the identity of the corporate mortgagor, determinative of the applicability of the exemption clause in subsection (2) - Is the exemption clause applicable if the party seeking to prepay a corporate mortgage pursuant to s-s. (1) is an individual "liable to pay or entitled to redeem" the mortgage.

PROCEDURAL HISTORY

July 5, 1995
Ontario Court of Justice (General Division)
(Blair J.)

Applicants' applications for declaratory relief to prepay the mortgages dismissed; Respondent's counterclaims for amounts owing on the mortgages allowed

October 31, 1996
Court of Appeal for Ontario
(Robins, Finlayson and Weiler JJ.A.)

Appeal dismissed

December 24, 1996
Supreme Court of Canada

Application for leave to appeal filed

25715 **MOHAMED HADJI c. LA VILLE DE MONTRÉAL et LA COMMISSION DE LA FONCTION PUBLIQUE, SERVICE DES AFFAIRES CORPORATIVES DE LA VILLE DE MONTRÉAL, LA COMMISSION DES DROITS DE LA PERSONNE ET ME PIERRE-OLIVIER BOUCHER** (Qué.)

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

La demande d'autorisation d'appel est rejetée.

The application for leave to appeal is dismissed.

NATURE DE LA CAUSE

Libertés publiques - Législation - Interprétation - *Charte des droits et libertés de la personne*, L.R.Q., chap. C-12 - Discrimination fondée sur l'origine ethnique - Le demandeur a-t-il été victime de discrimination fondée sur l'origine ethnique dans le processus d'embauche de la Ville de Montréal? - Demande de réintégration rejetée par le Tribunal des droits de la personne - Requête pour permission d'appel rejetée par la Cour d'appel - La Cour d'appel du Québec a-t-elle commis une erreur en rejetant la requête pour permission d'appel du demandeur?

HISTORIQUE PROCÉDURAL

Le 16 septembre 1996
Le Tribunal des droits de la personne (Rivet J.)

Demande de réintégration et de compensation formulée
par le demandeur rejetée

Le 7 novembre 1996
Cour d'appel du Québec (Chamberland J.C.A.)

Requête pour permission d'appel rejetée

Le 24 décembre 1996
Cour suprême du Canada

Demande d'autorisation d'appel déposée

25643 **LE JOURNAL DE MONTRÉAL, DIVISION DE GROUPE QUÉBÉCOR INC. c. ME FRANÇOIS HAMELIN et SYNDICAT DES COMMUNICATIONS GRAPHIQUES, LOCAL 41M** (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 du travail - Relations de travail - Convention collective - Droit administratif - Contrôle judiciaire - Validité de l'entente annexée à la convention collective eu égard à la clause sur la sécurité d'emploi que l'employeur soutient être contraire à l'article 65 du *Code du travail*, L.R.Q., chap. C-27, parce que sa durée est supérieure à trois ans - Échec des négociations en vue du renouvellement de la convention collective - Exercice par l'employeur de son droit au lock-out - Grievs visant à obliger l'employeur à déférer le différend à l'arbitrage - Grievs accueillis en partie - Requête de la demanderesse en révision judiciaire rejetée en Cour supérieure - Appel rejeté - L'arbitre intimé a-t-il excédé sa compétence en concluant à la validité des dispositions de l'entente et en ordonnant à la demanderesse de se conformer à celles-ci?

HISTORIQUE PROCÉDURAL

Le 11 février 1994
Tribunal d'arbitrage (Hamelin, arbitre)

Grievs accueillis en partie; Validité de l'entente sur la
sécurité d'emploi reconnue

Le 24 mars 1994
Cour supérieure du Québec (Reeves, J.C.S.)

Requête en révision judiciaire rejetée

Le 16 septembre 1996
Cour d'appel du Québec (Vallerand, Rothman et Nuss
J.J.C.A.)

Appel rejeté

Le 15 novembre 1996
Cour suprême du Canada

Demande d'autorisation d'appel déposée

25764 **BERNARD ST-AUBIN c. LE CURATEUR PUBLIC DU QUÉBEC et ROSAIRE THÉORET et LE CLUB JURIDIQUE** (Qué.)

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

La demande d'autorisation d'appel est rejetée.

The application for leave to appeal is dismissed.

NATURE DE LA CAUSE

Procédures - Procédure civile - Appel - Requête de l'intimé pour être autorisé à vendre l'immeuble du demandeur accueillie - Requête du demandeur pour permission d'appel rejetée - La Cour d'appel du Québec a-t-elle commis une erreur en rejetant la requête pour permission d'appel du demandeur?

HISTORIQUE PROCÉDURAL

Le 16 septembre 1996
Cour supérieure du Québec (Flynn J.C.S.)

Requête de l'intimé pour être autorisé à vendre l'immeuble du demandeur accueillie

Le 18 novembre 1996
Cour d'appel du Québec (Deschamps J.C.A.)

Requête du demandeur pour permission d'appel rejetée

Le 15 janvier 1997
Cour suprême du Canada

Demande d'autorisation d'appel déposée

25597

RODRIGUE GIRARD c. MARIUS MOISAN et OFFICIER DE LA PUBLICITÉ DES DROITS DE LA CIRCONSCRIPTION FONCIÈRE DE PORTNEUF (Qué.)

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

La demande de réexamen est rejetée.

The application for reconsideration is dismissed.

26.3.1997

Before / Devant: LE JUGE McLACHLIN

Requête pour déposer d'autres éléments de preuve

Motion to adduce further evidence

Ville de Longueuil

c. (24990)

Michèle Godbout (Qué.)

REJETÉE / DISMISSED

27.3.1997

Before / Devant: CHIEF JUSTICE LAMER

Motion to state a constitutional question

Requête pour énoncer une question constitutionnelle

Thomson Newspapers Co. Ltd. et al.

v. (25593)

The Attorney General of Canada (Ont.)

GRANTED / ACCORDÉE

- (a) Does s. 322.1 of the *Canada Elections Act*, R.S.C., 1985, c. E-2, as amended, infringe s. 2(b) and/or s. 3 of the *Canadian Charter of Rights and Freedoms*?
- (b) If s. 322.1 of the *Canada Elections Act* infringes s. 2(b) and/or s. 3 of the *Canadian Charter of Rights and Freedoms*, is s. 322.1 a reasonable limit prescribed by law as can be demonstrably justified in a free and democratic society for the purposes of s. 1 of the *Canadian Charter of Rights and Freedoms*?

- a) L'article 322.1 de la *Loi électorale du Canada*, L.R.C. (1985), ch. E-2 et ses modifications, contrevient-il à l'al. 2b) ou à l'art. 3 de la *Charte canadienne des droits et libertés*, ou aux deux à la fois?
- b) Si l'article 322.1 de la *Loi électorale du Canada* contrevient à l'al. 2b) ou à l'art. 3 de la *Charte canadienne des droits et libertés*, ou aux deux à la fois, constitue-t-il une limite raisonnable prescrite par une règle de droit, dont la justification peut se démontrer dans le cadre d'une société libre et démocratique, aux fins de l'article premier de la *Charte canadienne des droits et libertés*?

27.3.1997

Before / Devant: CHIEF JUSTICE LAMER

Motion for additional time to present oral argument

Requête en prorogation du temps accordé pour la plaidoirie

Husky Oil Operations Ltd.

With the consent of the parties.

v. (24855)

Saint John Shipbuilding Ltd. et al. (Nfld.)

DISMISSED / REJETÉE

IT IS HEREBY ORDERED THAT:

1) The time for oral argument at the hearing of the appeal shall be allocated as follows:

Husky Oil Operations Ltd.	1 hour
Bow Valley Industries Ltd.	1 hour
Bow Valley Husky (Bernuda) Ltd.	1 hour
Saint John Shipbuilding Ltd.	1 hour, 30 min.
Raychem Corp. & Raychem Canada Ltd.	1 hour, 30 min.

2) The appeal shall be heard on Thursday, June 19, 1997, commencing at 9:15 a.m.

27.3.1997

Before / Devant: CHIEF JUSTICE LAMER

Hearing of miscellaneous motions on appeal

Audience sur autres requêtes en appel

Thomson Newspapers Co. Ltd. et al.

v. (25593)

The Attorney General of Canada (Ont.)

DISMISSED / REJETÉE

The notice of motion to abridge time and expedite the hearing raises what I see as an insurmountable problem. While I am quite ready, insofar as the parties themselves are concerned, to agree to set this appeal down for hearing on May 28, 1997, and while I am also ready to advise the Attorneys General who might wish to intervene under Rule 32 that the time granted for service of their factums is reduced, I fail to see how I can abridge the time granted under Rule 18(2) to potential interveners to come to a decision to intervene or not. These potential interveners, who are unknown to me, now have until May 25, 1997 to do so which, in turn, is only three days before the date requested for the hearing of the appeal.

I am not ready to deny potential litigants the right to have their day in Court in this important matter, absent hearing from them. Of course, while this Court has always been extremely flexible in order to accommodate litigants in urgent circumstances, and then again in matters of extreme importance such as life or death, I, as Chief Justice, am unwilling to shut the doors of our Court to anyone who has the right to apply for and obtain intervener status.

While all of this is based on speculation as to when elections will be held, this Court has always reserved its precious right to deliberate and hand down judgment when ready, within a reasonable time of course. This Court cannot undertake to hand down judgment at a time prior to the elections which would be dispositive in one way or another of the issue.

The motion is denied.

1.4.1997

Before / Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to file the respondent's factum

Requête en prorogation du délai imparti pour déposer le mémoire de l'intimée

Belmoaris Gilberto Coreas

With the consent of the parties.

v. (25503)

Her Majesty The Queen (Ont.)

GRANTED / ACCORDÉE Time extended to March 27, 1997.

1.4.1997

Before / Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to file the case on appeal and the appellant's factum

Requête en prorogation de délai imparti pour déposer le dossier d'appel et le mémoire de l'appelante

Nancy Law

With the consent of the parties.

v. (25374)

The Minister of Human Resources Development (B.C.)

GRANTED / ACCORDÉE Time extended to May 15, 1997 to file the case on appeal; Time extended to June 15, 1997 to file the appellant's factum.

1.4.1997

Before / Devant: THE DEPUTY REGISTRAR

Hearing of miscellaneous motions on appeal**Audience sur autres requêtes en appel**

Nancy Law

With the consent of the parties.

v. (25374)

The Minister of Human Resources Development (B.C.)

GRANTED / ACCORDÉE

The motion excusing the appellant from complying with certain aspects of the Rules relating to the content of the case on appeal is granted and the number of copies of the case on appeal is reduced from 24 copies to 12 copies.

2.4.1997

Before / Devant: IACOBUCCI J.

Motion to extend the time in which to file a notice of appeal**Requête en prorogation du délai imparti pour déposer l'avis d'appel**

Chieu Ly

v. (25746)

Her Majesty The Queen (Alta.)

GRANTED / ACCORDÉE Time extended to January 17, 1997.

2.4.1997

Before / Devant: IACOBUCCI J.

Motion to extend the time in which to apply for leave to appeal**Requête en prorogation du délai pour obtenir l'autorisation d'appel**

James Ralph MacInnis

v. (25877)

Attorney General of Canada et al. (Ont.)

GRANTED / ACCORDÉE Time extended to April 30, 1997.

2.4.1997

Before / Devant: THE DEPUTY REGISTRAR

Motion for an order allowing the pages of a factum to be printed on the right side

Requête en autorisation d'imprimer du côté droit les pages d'un mémoire

Robin Eldridge et al.

With the consent of the parties.

v. (24896)

Attorney General of British Columbia et al. (B.C.)

GRANTED / ACCORDÉE

2.4.1997

Before / Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to file the appellant's factum

Requête en prorogation du délai imparti pour déposer le mémoire de l'appellant

Ian Bernard Galliment Doliente

v. (25417)

Her Majesty The Queen (Alta.)

GRANTED / ACCORDÉE Time extended to March 24, 1997.

3.4.1997

Before / Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to file factums

Requête en prorogation du délai imparti pour déposer des mémoires

Husky Oil Operations Ltd.

v. (24855)

Saint John Shipbuilding Ltd. et al. (Nfld.)

GRANTED / ACCORDÉE Time extended to March 4, 1997.

3.4.1997

Before / Devant: IACOBUCCI J.

Motion to appoint counsel

Requête en nomination d'un procureur

David Noel Albert

v. (25736)

Her Majesty The Queen (B.C.)

DISMISSED / REJETÉE

3.4.1997

Before / Devant: IACOBUCCI J.

Motion to extend the time in which to apply for leave to appeal

Requête en prorogation du délai imparti pour obtenir l'autorisation d'appel

Donald Noel Albert

v. (25736)

Her Majesty The Queen (B.C.)

GRANTED / ACCORDÉE Time extended to May 12, 1997.

4.4.1997

Before / Devant: IACOBUCCI J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Attorney General for Ontario
Attorney General of B.C.
Attorney General of Nova Scotia

With the consent of the parties.

IN/DANS: Terrance Lawrence Caslake

v. (25023)

Her Majesty The Queen (Man.)

GRANTED / ACCORDÉE

4.4.1997

Before / Devant: CORY J.

Hearing of miscellaneous motions

Audience sur autres requêtes

Canderel Limited

v. (24663)

Her Majesty The Queen (Ont.)

DISMISSED / REJETÉE

The application for reconsideration by another panel of the decision to dismiss with costs the application for leave to appeal is, with the concurrence of Justice La Forest and Justice Major, hereby dismissed with costs.

4.4.1997

Before / Devant: LE JUGE IACOBUCCI

Requête en vue de surseoir à l'exécution

Motion for a stay of execution

Jean-Bernard Clermont

c. (25890)

Office municipal d'habitation de Saint-Jérôme, P.Q.
(Qué.)

REJETÉE / DISMISSED

4.4.1997

Before / Devant: CHIEF JUSTICE LAMER

Motion for an order expediting the hearing of this appeal

Requête visant à accélérer l'audition de l'appel

John David Lucas et al.

v. (25177)

Her Majesty The Queen (Sask.)

DISMISSED / REJETÉE

7.4.1997

Before / Devant: IACOBUCCI J.

Motion to extend the time in which to apply for leave to appeal

Requête en prorogation du délai pour obtenir l'autorisation d'appel

Domenic Condello

v. (25893)

Her Majesty The Queen (Ont.)

GRANTED / ACCORDÉE Time extended to March 26, 1997.

7.4.1997

Before / Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to file a reply on a cross-appeal

Requête en prorogation du délai imparti pour déposer une réplique dans un appel incident

FBI Foods Ltd. et al.

With the consent of the parties.

v. (25778)

Cadbury Schweppes Inc. et al. (B.C.)

GRANTED / ACCORDÉE Time extended to April 3, 1997.

7.4.1997

Before / Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to file the appellant's factum

Requête en prorogation du délai imparti pour déposer le mémoire de l'appellant

Brian William Frederick Allender

v. (25179)

Her Majesty The Queen (B.C.)

GRANTED / ACCORDÉE Time extended to March 17, 1997.

7.4.1997

Before / Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to file the appellant's factum

Requête en prorogation du délai imparti pour déposer le mémoire de l'appelante

Bow Valley Industries Ltd.

With the consent of the parties.

v. (24855)

Saint John Shipbuilding Ltd. et al. (Nfld.)

GRANTED / ACCORDÉE Time extended to December 3, 1996.

8.4.1997

Before / Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to file the appellant's factum

Requête en prorogation du délai imparti pour déposer le mémoire de l'appelante

Canadian Human Rights Commission

With the consent of the parties.

v. (25228)

Canadian Liberty Net et al. (B.C.)

GRANTED / ACCORDÉE Time extended to April 4, 1997.

8.4.1997

Before / Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to file the respondents' factum

Requête en prorogation du délai imparti pour déposer le mémoire des intimés

Government of Saskatchewan et al.

With the consent of the parties.

v. (24913)

Elaine Pasiechnyk et al. (Sask.)

GRANTED / ACCORDÉE Time extended to April 1, 1997.

4.4.1997

Before / Devant: CHIEF JUSTICE LAMER

Motion to state a constitutional question**Requête pour énoncer une question constitutionnelle**

BC Gas Utility Ltd.

v. (25259)

Westcoast Energy Inc. (B.C.)

GRANTED / ACCORDÉE

Given the division of legislative authority between the Parliament of Canada and the legislatures of the provinces in the *Constitutions Acts*, 1867-1982, are sections 29, 30, 31, 33, 47, 52, 58 and 59 of the *National Energy Board Act*, RSC 1985 c.N-7, applicable to the facilities proposed to be constructed by Westcoast Energy Inc. in respect of

- (a) its Fort St. John Expansion Project, the subject of the application in proceeding GH-5-94 before the National Energy Board, and
- (b) its Grizzly Valley Expansion project, as described in Order No. MO-21-95 of the National Energy Board?

Compte tenu du partage des pouvoirs législatifs établi par les *Lois constitutionnelles de 1867 à 1982* entre le Parlement du Canada et les législatures des provinces, les articles 29, 30, 31, 33, 47, 52, 58 et 59 de la *Loi sur l'Office national de l'énergie*, L.R.C. (1985), ch. N-7, s'appliquent-ils aux installations dont Westcoast Energy Inc. propose la construction dans le cadre:

- a) de son projet d'expansion de Fort St. John, qui fait l'objet de la demande présentée dans l'instance n° GH-5-94 devant l'Office national de l'énergie;
- b) de son projet d'expansion de Grizzly Valley, qui est décrit dans l'ordonnance n° MO-21-95 de l'Office national de l'énergie?

9.4.1997

Before / Devant: IACOBUCCI J.

Motion to extend the time in which to file a notice of intervention**Requête en prorogation du délai imparti pour déposer un avis d'intervention**

BY/PAR Attorney General of Newfoundland

With the consent of the parties.

IN/DANS: Delwin Vriend et al.

v. (25285)

Her Majesty The Queen in right of Alberta et al. (Alta.)

GRANTED / ACCORDÉE

9.4.1997

Before / Devant: IACOBUCCI J.

Motion to extend the time for leave to intervene and for leave to interveneBY/PAR: Canadian Association of Statutory
Human Rights Agencies; and
EGALE

IN/DANS: Delwin Vriend

v. (25285)

Her Majesty The Queen in right of
Alberta et al. (Alta.)**Requête en prorogation du délai pour la demande d'autorisation et demande d'autorisation d'intervention****GRANTED / ACCORDÉE**

9.4.1997

Before / Devant: MAJOR J.

Hearing of miscellaneous motions on appeal to vary an order

Delgamuuk et al.

v. (23799)

Her Majesty The Queen in right of B.C. et al. (B.C.)

Audience sur diverses requêtes en appel visant à modifier une ordonnance

Marvin Storrow, Q.C., for Wet'Suwet'en.

Stuart Rush, Q.C., for Gitksan.

J. Arvay, for A.G. of B.C. (Tel.).

G. Garton, Q.C., for the A.G. of Canada.

GRANTED / ACCORDÉE

10.4.1997

Before / Devant: THE DEPUTY REGISTRAR

Miscellaneous motion on appeal accepting an intervenor's factum without marginal numbering

Reference Re: Secession of Québec (Ont.)(25506)

Autre requête en appel visant à accepter le mémoire d'un intervenant sans numérotation dans la marge

With the consent of the parties.

GRANTED / ACCORDÉE

11.4.1997

Before / Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to file the appellant and respondent's factums

Nelson M. Skalbania

v. (25539)

Her Majesty The Queen (B.C.)

Requête en prorogation du délai imparti pour déposer les mémoires de l'appelant et de l'intimée

With the consent of the parties.

GRANTED / ACCORDÉE

14.4.1997

Before / Devant: LE JUGE EN CHEF LAMER

Requête pour ajourner la requête en annulation

Peter Hamilton

c. (25837)

Sa Majesté La Reine (Qué.)

ACCORDÉE / GRANTED La requête est ajournée au 2 juin 1997.

14.4.1997

Before / Devant: CHIEF JUSTICE LAMER

Motion for additional time to present oral argument

Workers' Compensation Board et al.

v. (24913)

Elaine Pasiechnyk et al. (Sask.)

DISMISSED / REJETÉE

Motion to adjourn the motion to quash

Avec le consentement des parties.

Requête en prorogation du temps accordé pour la plaidoirie

15.4.1997

Before / Devant: THE REGISTRAR

Motion to extend the time in which to file the respondent's factum

Ernest Richard Greyeyes

v. (25501)

Her Majesty The Queen (Sask.)

GRANTED / ACCORDÉE Time extended to April 9, 1997.

Requête en prorogation du délai imparti pour déposer le mémoire de l'intimée

With the consent of the parties.

16.4.1997

Before / Devant: MAJOR J.

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

BY/PAR: Procureur général du Québec

IN/DANS: Terrance Lawrence Caslake

v. (25023)

Her Majesty The Queen (Man.)

GRANTED / ACCORDÉE

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

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

16.4.1997

Before / Devant: LE REGISTRAIRE

Requête en acceptation d'un mémoire d'appel de plus de 40 pages

Robert Libman et al.

c. (24960)

Le procureur général du Québec (Qué.)

ACCORDÉE / GRANTED

Motion for acceptance of factum on appeal over 40 pages

Avec le consentement des parties.

16.4.1997

Before / Devant: LE REGISTRAIRE

Requête en prorogation du délai imparti pour déposer le mémoire de l'intimé

Motion to extend the time in which to file the respondent's factum

Robert Libman et al.

Avec le consentement des parties.

c. (24960)

Le procureur général du Québec (Qué.)

ACCORDÉE / GRANTED Délai prorogé au 15 avril 1997.

16.4.1997

Before / Devant: LE REGISTRAIRE

Requête en prorogation du délai imparti pour déposer le mémoire d'un intervenant

Motion to extend the time in which to file an intervenor's factum

BY/PAR: Procureur général de l'Ontario

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

IN/DANS: Daniel Germain et al.

c. (24964)

Procureur général du Québec (Qué.)

ACCORDÉE / GRANTED Délai prorogé au 8 avril 1997. / Time extended to April 8, 1997.

16.4.1997

Before / Devant: THE REGISTRAR

Motion to extend the time in which to file the respondent's response

Requête en prorogation du délai imparti pour déposer la réponse de l'intimée

George Alexander Hardy

With the consent of the parties.

v. (25602)

Her Majesty The Queen (Alta.)

GRANTED / ACCORDÉE Time extended to April 8, 1997.

16.4.1997

Before / Devant: THE REGISTRAR

Motion to extend the time in which to file the respondent's factum

Requête en prorogation du délai imparti pour déposer le mémoire de l'intimée

Husky Oil Operations Ltd.

With the consent of the parties.

v. (24855)

Saint John Shipbuilding Ltd. et al. (Nfld.)

GRANTED / ACCORDÉE Time extended to April 14, 1997.

**NOTICE OF APPEAL FILED SINCE
LAST ISSUE**

**AVIS D'APPEL DÉPOSÉS DEPUIS LA
DERNIÈRE PARUTION**

1.4.1997

The Canadian Red Cross Society et al.

v. (25810)

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

and between

Consortium Developments (Clearwater) Ltd.

v. (25604)

**The Corporation of the City of Sarnia et al.
(Ont.)**

2.4.1997

Duha Printers (Western) Ltd.

v. (25513)

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

3.4.1997

Her Majesty The Queen

v. (25521)

Continental Bank of Canada (F.C.A.)(Ont.)

11.4.1997

The Canadian Red Cross Society et al.

v. (25810)

The Honourable Horace Kreveer et al. (F.C.A.)

9.4.1997

**Helmut Oberlander, Johann Dueck, Erichs
Tobiass**

v. (25811)

**The Minister of Citizenship and Immigration
(F.C.A.)(Ont.)**

11.4.1997

Kenneth MacAlpine et al.

v. (25604)

**The Corporation of the City of Sarnia et al.
(Ont.)**

WEEKLY AGENDA**ORDRE DU JOUR DE LA
SEMAINE**

AGENDA for the week beginning April 21, 1997.
ORDRE DU JOUR pour la semaine commençant le 21 avril 1997.

<u>Date of Hearing/ Date d'audition</u>	<u>Case Number and Name/ Numéro et nom de la cause</u>
21/04/97	Motions - Requêtes
22/04/97	Robert Libman, et al v. Attorney General of Quebec (Que.)(24960)
23/04/97	Daniel Germain, et al c. Procureur général du Québec et entre Daniel Germain, et al c. Ville de Montréal (Qué.)(24964)
24/04/97	Robin Susan Eldridge, et al v. Attorney General of British Columbia, et al (B.C.)(24896)
25/04/97	Belmoaris Gilberto Coreas v. Her Majesty the Queen (Crim.)(Ont.)(25503)

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.

24960 *Robert Libman, The Equality Party v. Attorney General of Quebec*

Constitutional law - *Canadian Charter of Rights and Freedoms* - Freedom of expression - Election - Referendum
- Regulated expenses - National committees - Mandatory affiliation.

The Appellants brought a motion for a declaratory judgment seeking to have certain sections of the *Referendum Act*, R.S.Q., c. C-64.1, and of Appendix 2 (special version of the *Election Act* for the holding of a referendum) declared invalid and of no force or effect. The Appellants also asked the Court to recognize their right to conduct an unrestricted referendum campaign and to receive an equitable share of the public funds available for such a campaign. The Appellants argued that the sections in question infringed ss. 2(b), (c) and (d) and 15 of the *Canadian Charter of Rights and Freedoms* and ss. 3 and 10 of the *Charter of Human Rights and Freedoms*. The sections of the *Act* affected by the Appellants' proceedings limited and regulated the expenses incurred to promote or oppose an option submitted to a referendum and provided for the creation of national committees favourable to each option. At the hearing, counsel for the Appellant argued solely that his clients' freedom of expression and association had been infringed.

The Superior Court declared that the impugned provisions infringed freedom of expression but that the infringement had been shown to meet the test of s. 1 of the *Charter*. The Appellants appealed to the Quebec Court of Appeal, where they challenged only the validity of certain sections of Appendix 2 on the basis that they violated freedom of expression. The Appellants claimed only the right to conduct a campaign independently of the national committees and in the same capacity as them, that is, to be able to incur regulated expenses up to the prescribed limit. The Court of Appeal dismissed the appeal, with a partial dissent.

The Supreme Court of Canada granted the application for leave to appeal and, on October 21, 1996, the Chief Justice formulated the following constitutional questions:

1. Do ss. 402, 403, 404, 406(3), 413, 414, 416 and 417 of the *Election Act* (R.S.Q., c. E-3.3), as amended by Appendix 2 of the *Referendum Act* (R.S.Q., c. C-64.1) enacted under s. 44 of the *Referendum Act*, violate s. 2(b) and/or s. 2(d) of the *Canadian Charter of Rights and Freedoms* in whole or in part?
2. If so, are any of these sections a reasonable limit prescribed by law under s. 1 of the *Canadian Charter of Rights and Freedoms*?

Origin of the case:	Quebec
File No.:	24960
Judgment of the Court of Appeal:	August 2, 1995
Counsel:	Julius H. Grey for the Appellants Benoit Belleau for the Respondent

24960 *Robert Libman The Equality Party c. Le Procureur général du Québec*

Droit constitutionnel - *Charte canadienne des droits et libertés* - Liberté d'expression - Élection - Référendum - Dépense réglementée - Comités nationaux - Affiliation obligatoire.

Les appelants ont présenté une requête pour jugement déclaratoire visant à faire déclarer inopérants et invalides certains articles de la *Loi sur la Consultation Populaire*, L.R.Q., c. C-64.1, et certains de l'appendice 2 (version spéciale de la *Loi Electorale* pour la tenue d'un référendum). Les appelants ont demandé également au tribunal de reconnaître leur droit de faire une campagne référendaire sans restriction et de recevoir une portion équitable des fonds publics disponibles pour pareille campagne. Les appelants ont allégué que ces articles violaient les art. 2b), c) et d), et 15 de la *Charte canadienne des droits et libertés* et les art. 3 et 10 de la *Charte des droits et libertés de la personne*. Les articles de la *Loi* visés par la procédure des appelants prévoient une limitation et une réglementation des dépenses pour favoriser ou défavoriser une option soumise à la consultation populaire et la création de comités nationaux favorisant chacune des options. À l'audience, le procureur des appelants s'est limité à prétendre qu'il y avait atteinte à la liberté d'expression et la liberté d'association de ses clients.

La Cour supérieure déclare que les dispositions contestées portent atteinte à la liberté d'expression mais qu'il a été démontré que cette atteinte respecte le test de l'article premier de la *Charte*. Les appelants interjettent appel à la Cour d'appel du Québec. Ils n'attaquent maintenant que la validité de certains articles de l'appendice 2, eu égard à la liberté d'expression. Ils réclament seulement le droit de faire campagne indépendamment des comités nationaux, au même titre que ceux-ci, soit de pouvoir effectuer des dépenses réglementées, assujetties à un certain plafonnement. La Cour d'appel rejette l'appel, avec dissidence partielle.

La Cour suprême du Canada accorde la demande d'autorisation d'appel et le 21 octobre 1996 le juge en chef formule les questions constitutionnelles suivantes:

1. Les articles 402, 403, 404, 406(3), 413, 414, 416 et 417 de la *Loi électorale* (L.R.Q., ch. E-3.3), modifiés par l'appendice 2 de la *Loi sur la consultation populaire* (L.R.Q., ch. C-64.1) établi en vertu de l'art. 44 de la *Loi sur la consultation populaire*, violent-ils, pour tout ou partie, l'al. 2b) de la *Charte canadienne des droits et libertés*, l'al. 2d) de cette loi ou ces deux dispositions?
2. Si oui, est-ce que ces articles ou l'un d'entre eux constituent, au sens de l'art. premier de la *Charte canadienne des droits et libertés*, une limite raisonnable prescrite par une règle de droit?

Origine: Québec
N° du greffe: 24960
Arrêt de la Cour d'appel: Le 2 août 1995
Avocats: Me Julius H. Grey pour l'appelant
Me Benoit Belleau pour l'intimé

24964 *Daniel Germain et al. v. Attorney General of Quebec and City of Montreal*

Constitutional law - Division of powers - Municipal law - Municipalities - Tax law - Taxation - By-law - Validity - Application of s. 92(2) of *Constitution Act, 1867*, which provides that provinces have power of “Direct Taxation within the Province in order to the raising of a Revenue for Provincial Purposes” - Tests to determine whether tax direct or indirect - Constitutional validity of surtax on non-residential immovables and water-rate and service tax imposed by City of Montreal by-law - Constitutional validity of provincial legislation authorizing City of Montreal to impose surtax and tax.

The Appellants owned non-residential or partly residential immovables in the City of Montreal. By means of a motion to quash and for a declaratory judgment, they challenged the validity of legislative and by-law provisions concerning the new real estate surtax scheme to which they were subject as of January 1, 1993. More specifically, they challenged all or some of the provisions of City of Montreal by-law No. 9285, entitled *By-law concerning taxes, interest rates and rent for the occupancy of the public domain (1993 fiscal period)*, and certain provisions of the *Act respecting municipal taxation*, R.S.Q. 1977, c. F-2.1, the *Act to amend various legislative provisions respecting municipal finances*, S.Q. 1991, c. 32, and the *Act to amend the Act respecting municipal taxation and other legislative provisions*, S.Q. 1992, c. 53. In support of their motion, the Appellants argued that the new real estate surtax scheme, which replaced the business, water-rate and service tax previously collected from the occupants of non-residential premises, resulted in a shifting of the surtax to those occupants, such that it was an indirect tax that violated s. 92(2) of the *Constitution Act, 1867*. The City was thus imposing a hidden tax on the lessor, the real debtor of the surtax, on condition that the owner collect and pay it. The Appellants also argued that s. 69 of the *Act respecting municipal taxation* did not set any standard for preparing the comprehensive schedule and therefore had to be declared void on the ground of vagueness under s. 6 of the *Charter of Human Rights and Freedoms*, R.S.Q. 1977, c. C-12.

The Superior Court granted the Appellants’ motion and found that the surtax and the water-rate and service tax on non-residential immovables were indirect taxes. However, the Court of Appeal unanimously allowed the Respondents’ appeals, set aside the Superior Court’s judgment and dismissed the Appellants’ motion to quash and for a declaratory judgment without costs.

Origin of the case:	Quebec
File No.:	24964
Judgment of the Court of Appeal:	August 15, 1995
Counsel:	Jérôme Choquette, Q.C., for the Appellants Monique Rousseau for the Attorney General of Quebec

24964 *Daniel Germain et autres c. Procureur général du Québec et la Ville de Montréal*

Droit constitutionnel - Partage des compétences - Droit municipal - Municipalités - Droit fiscal - Taxation - Règlement - Validité - Application de l'art. 92(2) de la *Loi constitutionnelle de 1867* qui dispose que les provinces ont un pouvoir de "taxation directe dans les limites de la province en vue de prélever un revenu pour des objets provinciaux" - Critères servant à déterminer le caractère direct ou indirect d'une taxe - Validité constitutionnelle de la surtaxe sur les immeubles non résidentiels et de la taxe d'eau et de services imposées par un règlement de la Ville de Montréal - Validité constitutionnelle de la législation provinciale qui autorise la Ville de Montréal à imposer cette surtaxe et cette taxe.

Les appelants sont propriétaires d'immeubles non résidentiels ou en partie résidentiels situés sur le territoire de la Ville de Montréal. Ils contestent par voie de requête en nullité et pour jugement déclaratoire la validité de dispositions législatives et réglementaires concernant le nouveau régime de surtaxe foncière auquel ils sont assujettis depuis le 1er janvier 1993. Plus particulièrement, ils contestent tout ou certaines dispositions du règlement 9285 de la Ville de Montréal, intitulé *Règlement sur les taxes, les taux d'intérêt et le loyer d'occupation du domaine public (Exercice financier de 1993)*, ainsi que certaines dispositions de la *Loi sur la fiscalité municipale*, L.R.Q. 1977, ch. F-2.1, de la *Loi modifiant diverses dispositions législatives concernant les finances municipales*, L.Q. 1991, ch. 32, et de la *Loi amendant la Loi sur la fiscalité municipale et d'autres dispositions législatives*, L.Q. 1992, ch. 53. Au soutien de leur requête, les appelants prétendent que le nouveau régime de surtaxe foncière, qui succède à la taxe d'affaires, d'eau et de services auparavant prélevée de l'occupant de lieux non résidentiels, en aménage le report sur ce dernier de sorte qu'il s'agit d'une taxe indirecte qui contrevient à l'art. 92(2) de la *Loi constitutionnelle de 1867*. Ainsi, la Ville impose une taxe déguisée au locataire, véritable débiteur de la surtaxe, à la charge par le propriétaire de la percevoir et de la payer. Les appelants plaident également que l'art. 69 de la *Loi sur la fiscalité municipale* ne fixe aucune norme quant à la confection de l'annexe intégrale et doit donc être déclaré nul pour cause d'imprécision en vertu de l'art. 6 de la *Charte des droits et libertés de la personne*, L.R.Q. 1977, ch. C-12.

La Cour supérieure accueille la requête des appelants et conclut que la surtaxe sur les immeubles non résidentiels, ainsi que la taxe d'eau et de services sur ces immeubles, constituent des taxes indirectes. Toutefois, la Cour d'appel accueille à l'unanimité les pourvois interjetés par les intimés, infirme le jugement de la Cour supérieure et rejette sans frais la requête en nullité et pour jugement déclaratoire des appelants.

Origine:	Qué.
N° du greffe:	24964
Arrêt de la Cour d'appel:	Le 15 août 1995
Avocats:	Me Jérôme Choquette, c.r., pour les appelants Me Monique Rousseau pour le Procureur général du Québec Me Serge Barrière pour la Ville de Montréal

24896 ***Robin Susan Eldridge, John Henry Warren and Linda Jane Warren v. Attorney General of British Columbia, Attorney General of Canada and Medical Service Commission***

Constitutional law - *Canadian Charter of Rights and Freedoms* - Statutes - Interpretation - Medical insurance and medical interpreter services - Benefits - Discrimination on the basis of physical disability - Whether the definition of "benefits" in s. 1 of the *Medical and Health Care Services Act*, S.B.C. 1992, c. 76 and ss. 3, 5 and 9 of the *Hospital Insurance Act*, R.S.B.C. 1979, c. 180 and Regulation infringe s. 15(1) of the *Charter* and are not reasonable limits pursuant to s. 1 - Whether the Court of Appeal erred in finding that the failure of the Government of the Province of British Columbia to fund medical interpreter services for the Deaf did not infringe s. 15(1).

The Appellants, Robin Eldridge, John Warren and his wife Linda Warren, all born deaf, challenge the constitutionality of the *Medical and Health Care Services Act*, S.B.C. 1992, c. 76 and the *Hospital Insurance Act*, R.S.B.C. 1979, c. 180. The Appellants contend that both statutes discriminate against the Deaf and are contrary to s. 15 of the *Charter* because the legislation does not permit funding for interpreters for the Deaf when they are receiving medical services or treatment.

The Appellants communicate by means of American Sign language ("ASL"). "ASL" is a visual/gestural language used as the primary means of communication in North America by the majority of those born deaf. However, when communicating with the vast majority of people who do not know "ASL", the Appellants attempt to communicate by using written notes, and gestures that are sometimes supplemented by lip reading. These means of communication are considered inadequate by the Deaf mostly because of the length of time which it takes to communicate even small amounts of information. The Appellants contend that the absence of interpreting services impairs the level of communication between doctor or other health provider and a deaf patient, and thus increases the risk of misdiagnosis or reduced effectiveness of treatment.

On October 27, 1992, the application for a declaration that the failure of the Government to provide interpreting services for the Deaf as an insured benefit under the B.C. Medical Services Plan as contrary to s. 15 of the *Charter* was dismissed. The Appellants appealed to the British Columbia Court of Appeal who dismissed their appeal, Lambert J.A. partially dissenting.

Origin of the case:	British Columbia
File No.:	24896
Judgment of the Court of Appeal:	May 26, 1995
Counsel:	Lindsay M. Lyster for the Appellants Harvey M. Groberman for the Respondents

24896 Robin Susan Eldridge, John Henry Warren et Linda Jane Warren c. Le procureur général de la Colombie-Britannique, le procureur général du Canada et Medical Service Commission

Droit constitutionnel - *Charte canadienne des droits et libertés* - Lois - Interprétation - Régime d'assurance-maladie et services d'interprétation dans le domaine médical - Bénéfices - Discrimination fondée sur une déficience physique - La définition du terme «benefits» (bénéfices) à l'article premier de la *Medical and Health Care Services Act*, S.B.C. 1992, ch. 76 et aux art. 3, 5 et 9 de l'*Hospital Insurance Act*, R.S.B.C. 1979, ch. 180 et de son règlement d'application contrevient-elle au par. 15(1) de la *Charte*? - Ces bénéfices constituent-ils des limites qui soient raisonnables en vertu de l'article premier? - La Cour d'appel a-t-elle commis une erreur en statuant que le non-financement par le gouvernement de la Colombie-Britannique des services d'interprétation dans le domaine médical à l'intention des personnes sourdes ne contrevient pas au par. 15(1)?

Les appelants, Robin Eldridge, John Warren et son épouse, Linda Warren, sourds de naissance, contestent la constitutionnalité de la *Medical and Health Care Services Act*, S.B.C. 1992, ch. 76 et de l'*Hospital Insurance Act*, R.S.B.C. 1979, ch. 180. Les appelants soutiennent que ces deux lois sont discriminatoires contre les personnes sourdes et qu'elles contreviennent à l'art. 15 de la *Charte* parce que ces lois ne permettent pas le financement de services d'interprétation pour les personnes sourdes lorsqu'elles reçoivent des services ou des traitements médicaux.

Les appelants communiquent au moyen du langage ASL («l'ASL»). L'ASL est un langage visuel et gestuel que la majorité des personnes sourdes de naissance utilisent comme principal moyen de communication. Cependant, lorsqu'ils communiquent avec la vaste majorité des personnes qui ne connaissent pas «l'ASL», les appelants tentent d'utiliser des notes écrites et des gestes que vient parfois compléter la lecture labiale. Ces moyens de communication ne sont pas considérés comme appropriés par les personnes sourdes vu le temps requis pour communiquer même quelques renseignements. Les appelants soutiennent que l'absence de services d'interprétation entrave la communication entre un patient sourd et les médecins ou d'autres fournisseurs de soins de santé, et accroît ainsi le risque de mauvais diagnostic ou réduit l'efficacité du traitement.

Le 27 octobre 1992, un tribunal a rejeté la demande de jugement visant à faire déclarer que l'omission par le gouvernement de fournir des services d'interprétation aux personnes sourdes en tant que bénéfice assuré en vertu du régime de service médical de la C.-B. contrevient à l'art. 15 de la *Charte*. Les appelants ont interjeté appel de cette décision auprès de la Cour d'appel de la Colombie-Britannique; celle-ci a rejeté l'appel, le juge Lambert étant dissident en partie.

Origine:	Colombie-Britannique
N° de greffe:	24896
Arrêt de la Cour d'appel:	Le 26 mai 1995
Avocats:	Lindsay M. Lyster pour les appelants Harvey M. Groberman pour les intimés

25503 *Belmoaris Gilberto Coreas v. Her Majesty The Queen*

Criminal law - Procedural law - Trial - Trial judge stating his conclusion before the trial was completed - Whether the Court of Appeal erred in holding that the trial judge's statement was unfair to the Crown and constituted a miscarriage of justice - Whether the Court of Appeal erred in holding that the verdicts would not necessarily have been the same were it not for the error of the trial judge.

The Appellant, Belmoaris Gilberto Coreas, was charged with committing the offences of sexual assault and sexual interference with the daughter of the woman with whom he had been cohabiting.

At the conclusion of the Crown's case, the Appellant moved for a directed verdict. The trial judge dismissed the motion. At a meeting between the trial judge and counsel for the setting of a date to commence the defence evidence, the trial judge told counsel that on the evidence, which was all of the Crown's case, he would not convict the Appellant.

When the trial resumed, Crown counsel moved for a mistrial because the trial judge's remarks in chambers concerning the evidence had compromised the fairness of the trial. The trial judge dismissed the motion and the Appellant elected not to call evidence. The Appellant was acquitted. On appeal, the Court of Appeal allowed the appeal, set aside the verdict of acquittal and ordered a new trial.

Origin of the case:	Ontario
File No.:	25503
Judgment of the Court of Appeal:	July 9, 1996
Counsel:	John A. Sutherland for the Appellant Feroza Bhabha for the Respondent

25503 *Belmoaris Gilberto Coreas c. Sa Majesté la Reine*

Droit criminel - Procédure - Procès - Le juge du procès a rendu sa conclusion avant que le procès soit complété - La Cour d'appel a-t-elle commis une erreur en concluant que la déclaration du juge du procès était inéquitable envers le ministère public et constituait une erreur judiciaire? - La Cour d'appel a-t-elle commis une erreur en concluant que les verdicts n'auraient pas nécessairement été les mêmes n'eût été l'erreur du juge du procès?

L'appelant, Belmoaris Gilberto Coreas, a été accusé d'agression sexuelle et de contacts sexuels sur la personne de la fille de la femme avec qui il cohabitait.

À la fin de la preuve du ministère public, l'appelant a demandé qu'on rende un verdict dirigé. Le juge du procès a rejeté la requête. Au cours d'une rencontre entre le juge du procès et les avocats pour la fixation d'une date pour le début de la preuve de la défense, le juge du procès a dit aux avocats que vu la preuve, qui représentait tous les arguments du ministère public, il ne déclarerait pas l'appelant coupable.

Lorsque le procès a repris, le substitut du procureur général a demandé qu'on déclare la nullité du procès parce que les remarques du juge du procès en son cabinet concernant la preuve avaient compromis l'équité du procès. Le juge du procès a rejeté la requête et l'appelant a choisi de ne présenter aucune preuve. L'appelant a été acquitté. La Cour d'appel a accueilli l'appel, infirmé le verdict d'acquittement et ordonné la tenue d'un nouveau procès.

Origine:	Ontario
N° du greffe:	25503
Arrêt de la Cour d'appel:	Le 9 juillet 1996
Avocats:	John A. Sutherland pour l'appelant Feroza Bhabha pour l'intimé

APPEALS INSCRIBED FOR
HEARING AT THE SESSION OF
THE SUPREME COURT OF
CANADA, BEGINNING
MONDAY, APRIL 21, 1997

APPELS INSCRITS POUR
AUDITION À LA SESSION DE LA
COUR SUPRÊME DU CANADA
COMMENÇANT LE LUNDI
21 AVRIL 1997

SUPREME COURT OF CANADA - COUR SUPRÊME DU CANADA

Session commencing Monday, April 21, 1997 ♦ ♦ ♦ Session commençant le lundi 21 avril 1997

1	Robin Susan Eldridge, et al v. Attorney General of British Columbia, et al	24896	Heenan Blaikie Attorney General of British Columbia	Nelligan, Power Burke-Robertson	B.C.
2	American Home Assurance Company v. Brkich & Brkich Enterprises Ltd., et al	24959	Alexander, Holburn, Beaudin & Lang Oreck, Chernoff, Tick & Farber	Osler, Hoskin & Harcourt Macey Schwartz	B.C.
3	The Workers' Compensation Board v. Elaine Pasiechnyk, et al - and between - Government of Saskatchewan v. Elaine Pasiechnyk, et al	24913	Attorney General for Saskatchewan Merchant Law Group McPherson Leslie & Tyerman Merchant Law Group	Gowling, Strathy & Henderson Gowling, Strathy & Henderson	SASK.
4	Husky Oil Operations Ltd. v. Saint John Shipbuilding Limited, et al - and between - Bow Valley Industries Ltd. v. Saint John Shipbuilding Limited, et al - and between - Saint John Shipbuilding Limited v. Bow Valley Husky (Bermuda) Ltd., et al - and between - Raychem Canada Limited, et al v. Bow Valley Husky (Bermuda) Ltd., et al - and between - Bow Valley Husky (Bermuda) Ltd. v. Saint John Shipbuilding Limited, et al	24855	Code Hunter Wittman Haley Hunt McCarthy, Tétrault Haley Hunt Haley Hunt Stewart McKelvey Stirling Scales McInnes Cooper & Robertson Stewart McKelvey Stirling Scales Stewart McKelvey Stirling Scales Haley Hunt	Gowling, Strathy & Henderson Osler, Hoskin & Harcourt McCarthy, Tétrault Osler, Hoskin & Harcourt Osler, Hoskin & Harcourt Gowling, Strathy & Henderson Gowling, Strathy & Henderson Gowling, Strathy & Henderson Gowling, Strathy & Henderson	NFLD.
5	Robert Libman, et al v. Attorney General of Quebec	24960	Grey Casgrain Bernard, Roy & Associés	Gowling, Strathy & Henderson Noël, Berthiaume	QUÉ.
6	Daniel Germain, et al c. Procureur général du Québec - et entre - Daniel Germain, et al c. Ville de Montréal	24964	Choquette Rhéaume Bernard Roy & Associés Choquette Rhéaume Jalbert, Séguin, Verdon, Caron, Mahoney	Gowling, Strathy & Henderson Noël, Berthiaume Gowling, Strathy & Henderson Bergeron, Gaudreau	QUÉ.

7	Delgamuukw, a.k.a. Earl Muldoe, suing on his own behalf and on behalf of all the members of the Houses of Delgamuukw and Haaxw, et al v. Her Majesty the Queen in Right of the Province of British Columbia, et al	23799	Rush, Crane, Guenther & Adams Blake, Cassels & Graydon Arvay, Finlay	Gowling, Strathy & Henderson Gowling, Strathy & Henderson Burke-Robertson	B.C.
8	Belmoaris Gilberto Coreas v. (Crim.) Her Majesty the Queen	25503	John A. Sutherland Attorney General for Ontario	Gowling, Strathy & Henderson Burke-Robertson	ONT.
9	Heinrich Martin v. Artyork Investments Limited	25006	Blake, Cassels & Graydon Raymond & Honsberger	Gowling, Strathy & Henderson Burke-Robertson	ONT.
10	Ernest Richard Greyeyes v. (Crim.) Her Majesty the Queen	25501	Grier, Sim, Crookshanks & Associates Attorney General of Canada	Nelligan, Power Attorney General of Canada	SASK.
11	Citadel General Assurance Company, et al v. Lloyds Bank Canada, et al	25189	Duncan & Craig Cruickshank Karvellas	Nelligan, Power Fraser & Beatty	ALTA.
	Jack Wallace v. United Grain Growers Limited	24986	Riley Orle Giesbrecht Born Wolch Pinx Tapper Scurfield	Lang, Michener Burke-Robertson	MAN.
12					
13	Ian Bernard Gallimet Doliente v. (Crim.) Her Majesty the Queen	25417	Batting, Der Attorney General of Alberta	Lang, Michener Gowling, Strathy & Henderson	ALTA.
14	Terri Jean Bedford, et al v. (Crim.) Her Majesty the Queen	25473	Manning & Simone Attorney General for Ontario	Gowling, Strathy & Henderson Burke-Robertson	ONT.
15	Brian Gordon Jack v. (Crim.) Her Majesty the Queen	25505	Gindin, Wolson, Simmonds Attorney General of Manitoba	Burke-Robertson Gowling, Strathy & Henderson	MAN.
16	Carol Lawrence, et al v. (Crim.) Her Majesty the Queen	25507	Pinkofsky, Lockyer & Kwinter Attorney General for Ontario	Gowling, Strathy & Henderson Burke-Robertson	ONT.

17	Canadian Egg Marketing Agency v. Pineview Poultry Products Ltd. - and between - Canadian Egg Marketing Agency v. Frank Richardson operating as Northern Poultry	25192	Osler, Hoskin & Harcourt McLennan Ross Osler, Hoskin & Harcourt McLennan Ross	Gowling, Strathy & Henderson Gowling, Strathy & Henderson	N.W.T.
18	Locksley Alphonso Washington Senior v. (Crim.) Her Majesty the Queen	25283	Singleton Urquhart Scott Attorney General of Alberta	Burke-Robertson Gowling, Strathy & Henderson	ALTA.
19	Sa Majesté la Reine c. (Crim.) Michel Cogger	25221	Procureur général du Québec Lapointe, Schachter, Champagne & Talbot	Procureur général du Québec Noël, Berthiaume	QUÉ.
20	Jeffrey Lorne Gold v. Primary Developments Limited, et al	25064	Blake, Cassels & Graydon Sims, Clement, Eastman	Blake, Cassels & Graydon	ONT.
21	Winnipeg Child and Family Services v. G. (D.F.)	25508	Wolch, Pinx, Tapper, Scurfield Phillips, Aiello, Boni	Burke-Robertson Burke-Robertson	MAN.
22	David Allen Gauthier c. Corporation Municipale de Ville de Lac Brôme, et al	25022	Delorme Bessette Lavin & Associés	Bédard, Saucier	QUÉ.
23	General Accident Assurance Company of Canada v. State Farm Mutual Automobile Insurance Company	24998	Clark, Drummie & Company Barry & O'Neil	Scott & Ayles Cooligan, Ryan	N.B.
24	Ville de Longueuil c. Michèle Godbout -et entre- Michèle Godbout c. Ville de Longueuil	24990	Dunton Rainville Trudel, Nadeau, Lesage, Larivière et Associés Trudel, Nadeau, Lesage, Larivière et Associés Dunton Rainville	Noël, Berthiaume Bergeron, Gaudreau Bergeron, Gaudreau Noël, Berthiaume	QUÉ.
25	André Côté, et al v. (F.C.A.) George Addy	25262	Pateras & Iezzoni Industry Canada, Legal Affairs	Charron, Hollander, Mattar	QUÉ.

26	Her Majesty the Queen v. (Crim.) William Lifchus	25404	Attorney General of Manitoba Wolch, Pinx, Tapper, Scurfield	Gowling, Strathy & Henderson Burke-Robertson	MAN.
27	Brian William Frederick Allender v. (Crim.) Her Majesty the Queen	25179	Peck and Tammen Smart & Williams	Gowling, Strathy & Henderson Burke-Robertson	B.C.
28	Canadian Red Cross Society, et al v. (F.C.A.) The Honourable Horace Krever, Commissioner of the Inquiry on the Blood System in Canada	25810	Lerner & Associates Genest Murray DesBrisay Lamek	Lang, Michener Nelligan, Power	ONT.
29	Erichs Tobias v. (F.C.A.) (Crim.) Minister of Citizenship and Immigration - and between- Helmut Oberlander v. Minister of Citizenship and Immigration - and between - Johann Dueck v. Minister of Citizenship and Immigration	25811	Gesta J. Abols Attorney General of Canada Sack Goldblatt Mitchell Attorney General of Canada Bayne Sellar Boxall Attorney General of Canada	Shore, Davis & Perkins-McVey Attorney General of Canada Shore, Davis & Perkins-McVey Attorney General of Canada Attorney General of Canada	ONT.

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.

THE STYLES OF CAUSE IN THE PRESENT TABLE ARE THE STANDARDIZED STYLES OF CAUSE (AS EXPRESSED UNDER THE "INDEXED AS" ENTRY IN EACH CASE).

Judgments reported in [1996] 3 S.C.R. Part 5

2747-3174 Québec Inc. v. Québec (Régie des permis d'alcool), [1996] 3 S.C.R. 919

Cooper v. Canada (Human Rights Commission), [1996] 3 S.C.R. 854

R v. Rockey, [1996] 3 S.C.R. 829

LES INTITULÉS UTILISÉS DANS CETTE TABLE SONT LES INTITULÉS NORMALISÉS DE LA RUBRIQUE "RÉPERTORIÉ" DANS CHAQUE ARRÊT.

Jugements publiés dans [1996] 3 R.C.S. Partie 5

2747-3174 Québec Inc. c. Québec (Régie des permis d'alcool), [1996] 3 R.C.S. 919

Cooper c. Canada (Commission des droits de la personne), [1996] 3 R.C.S. 854

R c. Rockey, [1996] 3 R.C.S. 829

Judgments reported in [1996] 3 S.C.R. Part 6

R. v. Bramwell, [1996] 3 S.C.R. 1126

R. v. Hawkins, [1996] 3 S.C.R. 1043

R. v. Hinchey, [1996] 3 S.C.R. 1128

R. v. I. (R.R.), [1996] 3 S.C.R. 1124

R. v. Nikolovski, [1996] 3 S.C.R. 1197

Jugements publiés dans [1996] 3 R.C.S. Partie 6

R. c. Bramwell, [1996] 3 R.C.S. 1126

R. c. Hawkins, [1996] 3 R.C.S. 1043

R. c. Hinchey, [1996] 3 R.C.S. 1128

R. c. I. (R.R.), [1996] 3 R.C.S. 1124

R. c. Nikolovski, [1996] 3 R.C.S. 1197

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
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13	H 14	15	16	17	18	19
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NOVEMBER - NOVEMBRE						
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DECEMBER - DECEMBRE						
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- 1997 -

JANUARY - JANVIER						
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FEBRUARY - FÉVRIER						
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JUNE - JUIN						
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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