

**SUPREME COURT  
OF CANADA**



**COUR SUPRÊME  
DU CANADA**

**BULLETIN OF  
PROCEEDINGS**

**BULLETIN DES  
PROCÉDURES**

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

W.F. Ehrcke  
Min. of the A.G.

FILING DATE 9.11.1998

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Marcel Gauthier

DATE DE PRODUCTION 18.11.1998

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John Folkes

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FILING DATE 12.11.1998

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Christopher Harvey, Q.C.  
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(B.C.)**

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FILING DATE 9.11.1998

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

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**Kuldip Singh Samra**

James Lockyer  
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v. (26976)

**Her Majesty the Queen (Ont.)**

Michael Bernstein  
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FILING DATE 30.11.1998

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Underwriters, Members of Lloyd's of London,  
England**

Edwin G. Ehrhardt  
Bingham Blair MacAulay Ehrhardt Teed

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James Mockler  
Mockler Peters Oley Rouse & Williams

FILING DATE 16.11.1998

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**Sack Lee**

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Myers, Johnson, Ross & Foster

v. (26978)

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

Scott Bell  
A.G. of B.C.

FILING DATE 16.11.1998

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Merchant Law Group

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**Her Majesty the Queen (Sask.)**

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Dept. of Justice

FILING DATE 23.11.1998

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**Mr. Justice Thomas A. Beckett**

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A.G. of Canada

FILING DATE 16.11.1998

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**Apotex Inc.**

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v. (26979)

**Bayer Aktiengesellschaft et al. (Ont.)**

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Gowling, Strathy & Henderson

FILING DATE 24.11.1998

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**DECEMBER 7, 1998 / LE 7 DÉCEMBRE 1998**

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

**Neil Grandmaison, Christina Khoury, Victor Camara**

**v. (26898)**

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

**NATURE OF THE CASE**

Criminal law - Intercepted private communications - Wiretaps - Judicial review - Whether the Court of Appeal erred in holding that the test for the issuance of an authorization to intercept private communications is simply a showing that intercepts will be the most efficacious manner of investigation - Whether the Court of Appeal erred in ruling that the trial judge ought not to have relied on an adverse finding of credibility to hold that the affidavit could not be relied upon and an authorization could not have been granted in circumstances of an unreliable affiant - Whether the Court of Appeal erred in holding that the Crown appeal was an appeal on a question of law.

**PROCEDURAL HISTORY**

October 31, 1996  
Provincial Court of British Columbia  
(Filmer J.)

Applicant Grandmaison - Acquittals: conspiracy to traffic in cocaine; trafficking in cocaine; conspiracy to traffic in a controlled drug; conspiracy to sell a controlled drug; possession of a controlled drug for the purpose of trafficking; possession of proceeds of crime; possession of a restricted weapon; careless storage of a firearm

Applicant Khoury - Acquittals: conspiracy to traffic in cocaine; trafficking in cocaine; conspiracy to traffic in a controlled drug; possession of a controlled drug for the purpose of trafficking; possession of proceeds of crime; possession of a restricted weapon; careless storage of a firearm

Applicant Camara - Acquittals: conspiracy to traffic in cocaine; trafficking in cocaine; possession of a narcotic for the purposes of trafficking

June 30, 1998  
Court of Appeal of British Columbia  
(Goldie, Rowles and Braidwood JJ.A. )

Appeal allowed; acquittals set aside and new trial ordered

October 1, 1998  
Supreme Court of Canada

Application for leave to appeal filed

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**Angela Araujo and Spencer Leslie**

**v. (26904)**

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

**NATURE OF THE CASE**

Criminal law - Intercepted private communications - Wiretaps - Judicial review - Whether the Court of Appeal erred in holding that the existence of reasonable and probable grounds necessary for granting a wiretap authorization was not affected by a finding that the affiant had knowingly misled the Court on a matter relating to the accuracy of the matters set out in the wiretap affidavit - Whether the Court of Appeal erred in holding that the trial judge ought not to have considered a false explanation offered by the affiant to explain non-disclosure of errors in an affidavit.

**PROCEDURAL HISTORY**

October 31, 1996  
Provincial Court of British Columbia  
(Filmer J.)

Applicant Araujo - Acquittals: conspiracy to traffic in cocaine; trafficking in cocaine; possession of a prohibited weapon (2 counts); possession of proceeds of crime  
Applicant Leslie - Acquittals: conspiracy to traffic in cocaine; trafficking in cocaine; possession of a restricted weapon (2 counts); possession of a prohibited weapon

June 30, 1998  
Court of Appeal for British Columbia  
(Goldie, Rowles and Braidwood JJ.A.)

Appeal from acquittals allowed; acquittals set aside and new trial ordered

September 29, 1998  
Supreme Court of Canada

Application for leave to appeal filed

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**Robert Jenkins, Tiffany Muriel Leslie**

**v. (26899)**

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

**NATURE OF THE CASE**

Criminal law - Intercepted private communications - Wiretaps - Judicial review - Whether the Court of Appeal erred in holding that the test for the issuance of an authorization to intercept private communications is simply a showing that intercepts will be the most efficacious manner of investigation - Whether the Court of Appeal erred in ruling that the trial judge could not rely on an adverse finding of credibility to hold that the affidavit could not be relied upon and an authorization could not have been granted in circumstances of an unreliable affiant - Whether the Court of Appeal erred in holding that the Crown appeal was an appeal on a question of law.

**PROCEDURAL HISTORY**

October 31, 1996  
Provincial Court of British Columbia  
(Filmer J.)

Applicant Jenkins - Acquittals: conspiracy to traffic in cocaine; trafficking in cocaine; possession of a restricted weapon (2 counts); possession of a prohibited weapon  
Applicant Leslie - Acquittals: possession of a restricted weapon (2 counts); possession of a prohibited weapon

June 30, 1998  
Court of Appeal of British Columbia  
(Goldie, Rowles and Braidwood JJ.A. )

Appeal allowed; acquittals set aside and new trial ordered

October 28, 1998  
Supreme Court of Canada

Application for leave to appeal filed

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**Jolene Irons**

**v. (26968)**

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

**NATURE OF THE CASE**

Criminal law - Intercepted private communications - Wiretaps - Judicial review - Whether the Court of Appeal erred in holding that the test for the issuance of an authorization to intercept private communications is simply a showing that intercepts will be the most efficacious manner of investigation - Whether the Court of Appeal erred in ruling that the trial judge could not rely on an adverse finding of credibility to hold that the affidavit could not be relied upon and an authorization could not have been granted in circumstances of an unreliable affiant - Whether the Court of Appeal erred in holding that the Crown appeal was an appeal on a question of law.

**PROCEDURAL HISTORY**

October 31, 1996  
Provincial Court of British Columbia  
(Filmer J.)

Acquittal: conspiracy to traffic in cocaine; trafficking in cocaine; possession of cocaine for the purpose of trafficking (2 counts)

June 30, 1998  
Court of Appeal of British Columbia  
(Goldie, Rowles, and Braidwood JJ.A.)

Appeal allowed; acquittals set aside; new trial ordered

November 25, 1998  
Supreme Court of Canada

Application for leave to appeal filed

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**Kevin Lathangue**

**v. (26943)**

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

**NATURE OF THE CASE**

Criminal law - Intercepted private communications - Wiretaps - Judicial review - Whether the Court of Appeal erred in holding that the test for the issuance of an authorization to intercept private communications is simply a showing that intercepts will be the most efficacious manner of investigation - Whether the Court of Appeal erred in ruling that the trial judge could not rely on an adverse finding of credibility to hold that the affidavit could not be relied upon and an authorization could not have been granted in circumstances of an unreliable affiant - Whether the Court of Appeal erred in holding that the Crown appeal was an appeal on a question of law.

**PROCEDURAL HISTORY**

October 31, 1996  
Provincial Court of British Columbia  
(Filmer J.)

Acquittal: conspiracy to traffic in a controlled drug; conspiracy to sell a drug in Schedule F of the *Food and Drugs Act*

June 30, 1998  
Court of Appeal of British Columbia  
(Goldie, Rowles and Braidwood JJ.A.)

Appeal allowed; acquittals set aside and new trial ordered

November 6, 1998  
Supreme Court of Canada

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

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**Provincial Court Judges' Association of British Columbia**

**v. (26812)**

**Attorney General of British Columbia (B.C.)**

**NATURE OF THE CASE**

Constitutional law - Statutes - Interpretation - Administrative law - Judicial review - Remedies - Labour law - Compensation - *Provincial Court Act*, R.S.B.C. 1979, s. 7.1, as am. S.B.C. 1994, c. 26 - Judicial Compensation Committee appointed pursuant to s. 7.1 of the *Provincial Court Act* made recommendations to improve salaries and benefits of provincial court judges - Recommendations were rejected by Legislative Assembly of British Columbia on basis that they were "unfair and unreasonable" within the meaning of s. 7.1(9)(a) - Applicant's petition for judicial review was dismissed - Appeal was allowed on basis that Legislative Assembly had failed to take a rational approach to the consideration of the recommendations - Matter was referred back to the Legislative Assembly for reconsideration - Legislative Assembly reconsidered matter and confirmed original decision - Whether Court of Appeal had jurisdiction to remit matter to Legislative Assembly - Whether appropriate remedy instead was to declare the recommendations of the Judicial Compensation Committee to have the force of law pursuant to s. 7.1(10) - Whether Court of Appeal erred in finding the resolution of the Legislative Assembly to be unreasonable - Whether Court of Appeal erred in its application of the "simple rationality" test as defined by this Honourable Court in *Reference re Remuneration of Judges of the Provincial Court of Prince Edward Island*, [1997] 3 S.C.R. 3.

**PROCEDURAL HISTORY**

August 19, 1996  
Supreme Court of British Columbia  
(Esson C.J.)

Petition to quash a resolution of the Legislative  
Assembly rejecting the recommendations of the Judicial  
Compensation Committee dismissed

May 26, 1998  
Court of Appeal for British Columbia  
(Rowles, Prowse and Hall JJ.A.)

Appeal allowed; matter referred back to the Legislature  
for reconsideration

August 25, 1998  
Supreme Court of Canada

Application for leave to appeal filed

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

**Loucas Andritsopoulos**

**v. (26866)**

**The Attorney General of Canada (F.C.A.)(B.C.)**



**NATURE OF THE CASE**

Statutes- Statutory Instruments - Administrative Law - Judicial Review - Veteran Appeals Board - Former resistance fighter denied a war veterans allowance because of lack of evidence of war time service - Resistance fighter appealed to the War Veterans Appeal Board - War Veterans Appeal Board received confirmation of his war time service but did not hear the appeal before Parliament amended *The War Veterans Allowance Act*, R.S.C. 1985, c. W-3 by passing *The War Veterans Allowance Act*, S.C. 1992, c.24 - Amendments removed resistance fighters from the category of persons eligible for a war veterans allowance - War Veterans Appeal Board applied unamended version of the Act and declared resistance fighter had met service requirements for eligibility for an allowance - Whether unamended or amended version of *War Veterans Allowance Act* should have been applied - Whether War Veterans Appeal Board should have declared eligibility for a war veterans allowance.

**PROCEDURAL HISTORY**

June 9, 1994 Federal Court of Canada, Trial Division (Reed J.)	Application for judicial review allowed, decision quashed
June 24, 1998 Federal Court of Appeal (Marceau, Linden and Robertson JJ.A.)	Appeal dismissed
September 23, 1998 Supreme Court of Canada	Application for leave to appeal filed

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**F.M.**

**c. (26813)**

**P.B. (Qué.)**

**NATURE DE LA CAUSE**

Procédure - Procédure civile - Une Cour d'appel peut-elle, sans enfreindre le droit d'une partie à une audition de sa cause, principe fondamental de justice naturelle garanti par l'art. 23 de la *Charte des droits et libertés de la personne*, L.R.Q., ch. C-12, rejeter sommairement un appel en vertu de l'art. 501(5) du *Code de procédure civile*, L.R.Q., ch. C-25, alors que ce recours n'est ni abusif ni dilatoire mais est au contraire bien fondé à la seule vue des documents? - Dans la négative, la partie lésée est-elle fondée, aux termes de l'art. 49 de la *Charte*, d'obtenir de la Cour suprême la cessation de cette atteinte illicite que seule une audition de sa cause pourra lui procurer?

**HISTORIQUE PROCÉDURAL**

Le 13 mars 1998 Cour supérieure du Québec (Banford j.c.s.)	Jugement de divorce prononcé
Le 1er juin 1998 Cour d'appel du Québec (Dussault, Pidgeon et Letarte [ad hoc] jj.c.a.)	Requête en rejet d'appel accueillie et appel de la demanderesse rejeté
Le 28 août 1998 Cour suprême du Canada	Demande d'autorisation d'appel déposée

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**Evangelos Agioritis, also known as Von Agioritis**

**v. (26873)**

**Sophia Maroudis, formerly known as Sophia Agioritis (Sask.)**

**NATURE OF THE CASE**

Family law - Division of property - Spouse earning interest on loans commencing after date of application for division of property - Whether interest earned was marital property subject to division - Whether awarding a one-half share of earned interest from the commencement of loan until date of payment contravened the provisions governing interest rates on judgment debts in the *Interest Act*, R.S.C. 1970, c. I-18.

**PROCEDURAL HISTORY**

April 16, 1996  
Court of Queen's Bench of Saskatchewan  
(Maurice J.)

Award of \$301,869.47 to Respondent

July 7, 1998  
Court of Appeal for Saskatchewan  
(Vancise, Lane and Jackson J.J.A.)

Appeal dismissed, cross-application to vary granted

September 25, 1998  
Supreme Court of Canada

Application for leave to appeal filed

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**Alex Couture Inc.**

**c. (26678)**

**Municipalité de la ville de Charny (Qué.)**

**NATURE DE LA CAUSE**

Droit municipal - Évaluation foncière - Droit administratif - Compétence - Contrôle judiciaire - Législation - Interprétation de l'art. 65.(1) de la *Loi sur fiscalité municipale*, L.R.Q., chap. F-2.1 (ci-après la "L.F.M.") - Usine d'équarrissage - Système d'épuration de l'air par biofiltration - L'appareil est-il utilisé à des fins de production industrielle? - Application de l'arrêt *Ciment Québec Inc. c. Corporation municipale de Saint-Basile Village Sud*, [1993] 2 R.C.S. 823 - Compétence spécialisée du Bureau de révision de l'évaluation foncière (le "B.R.E.F.") - Norme de contrôle applicable - Application de l'arrêt *Canada (Directeur des enquêtes et recherches) c. Southam Inc.* [1997] 1 R.C.S. 748.

**HISTORIQUE PROCÉDURAL**

Le 13 avril 1995  
Bureau de révision de l'évaluation foncière du Québec  
(Bergeron, président, et Forgues, membre)

Plainte de la demanderesse accueillie

Le 31 janvier 1996  
Cour du Québec (Lavoie J.C.Q.)

Requête de l'intimée en révision judiciaire rejetée

Le 27 mars 1998  
Cour d'appel du Québec (Brossard et Forget, J.J.C.A., et  
Zerbisias, J.C.A. (*Ad hoc*))

Appel de l'intimée accueilli

Le 26 mai 1998  
Cour suprême du Canada

Demande d'autorisation d'appel déposée

---

**Khalid Somra, Ruth Bowlby, Executrix of the Estate of Arthur T. Bowlby,  
Heather Hutt, Carleton Travel Services Ltd. and Mary Sheffield**

**v. (26667)**

**432080 Ontario Limited, 157349 Canada Limited, Ottawa Algonquin Travel Corporation,  
James Lough, Claire Lough and Stephen Lough (Ont.)**

**NATURE OF THE CASE**

Commercial law - Sale - Valuation of a business for sale - In an agreement providing for calculation by an accountant jointly chosen, what meaning do the words "final and conclusive" have - Whether an accountant operating under the agreement should have been given the same respect and weight as an arbitrator with a privative clause - Whether an agreement requiring an accountant to follow generally accepted accounting principles on a consistent basis with other years must follow statements prepared contrary to generally accepted accounting principles.

**PROCEDURAL HISTORY**

December 13, 1994  
Ontario Court (General Division)  
(Chadwick J.)

Certain Respondents given judgment against certain Applicants; certain Applicants given judgment against Respondents

October 2, 1997  
Court of Appeal for Ontario  
(McMurtry C.J.O., Robins and McKinley J.J.A.)

Appeal allowed in part

April 1, 1998  
Court of Appeal for Ontario  
(McMurtry C.J.O., Robins and McKinley J.J.A.)

Amendment of award as to costs

May 27, 1998  
Supreme Court of Canada

Application for leave to appeal filed

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**Patricia Joan Marie Hill**

**v. (26724)**

**Florence McMillan and Harrison Marion as  
Administrators of the Estate of Hector Marion (Man.)**

**NATURE OF THE CASE**

*Canadian Charter of Rights and Freedoms* - Property law - Estates - Statutes - Interpretation - Applicant claiming to be child of male intestate and claiming to be entitled to his estate - No presumption of paternity applicable - Subsection 20(6)

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of *The Family Maintenance Act*, R.S.M. 1980, c. F20 creating a bar to declaration of paternity after the death of the alleged father - Whether bar is applicable to applications under *The Intestate Succession Act*, S.M. 1989-90, c. 43 - Whether statutory bar violates section 15 of the *Canadian Charter of Rights and Freedoms*.

**PROCEDURAL HISTORY**

January 29, 1997 Manitoba Queen's Bench (Keyser J.)	Order for trial of an issue
April 29, 1998 Court of Appeal of Manitoba (Twaddle, Helper and Monnin JJ.A.)	Appeal allowed
June 23, 1998 Supreme Court of Canada	Application for leave to appeal filed

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**CORAM: Cory, Major and Binnie JJ. /  
Les juges Cory, Major et Binnie**

**Naresh Kaushal**

**v. (26622)**

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

**NATURE OF THE CASE**

Criminal law - Whether trial judge was required to give a limiting instruction to the jury that although they had heard evidence of numerous assaults spanning an eighteen month period, the indictment alleged only a single assault and consequently, they were required to be unanimous in their verdict as to which of the numerous assaults was proven beyond reasonable doubt - Whether "single transaction" rule obviates the need for any limiting instruction - Whether Court of Appeal erred in concluding that the evidence of numerous assaults which occurred over an eighteen month period constituted a "single transaction" - Whether the Court of Appeal erred in concluding that Crown was entitled to adduce evidence of a witness's prior inconsistent statements and prior consistent statements in examination in chief for the purpose of bolstering the credibility of the witness and undermining anticipated cross-examination of defence.

**PROCEDURAL HISTORY**

September 13, 1996 Ontario Court of Justice (General Division) (Dunn J.)	Conviction: assault
April 3, 1998 Court of Appeal for Ontario (McMurtry C.J., Robins and Goudge JJ.A.)	Appeal against conviction dismissed
September 9, 1998 Supreme Court of Canada	Application for leave to appeal and for extension of time filed

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**Trengrove Developments Inc. (94-2663(GST)G), Astra-Globe Building Group Inc. (94-2633(GST)G), Astra-Mar Investments Inc. (94-2634(GST)G), Atteridge Construction Ltd. (94-2635(GST)G), Bayfield Building Corporation (94-2637(GST)G), Blairwood Valley Homes Inc. (94-2638(GST)G), Bradwick Developments Ltd. (94-2639(GST)G), Brydonview Estates Inc. (94-2640(GST)G), Clairidge Building Corporation (94-2641(GST)G), Coral Acres Estates Inc. (94-2642(GST)G), Dundene Forest Developments Inc. (94-2643(GST)G), Eatonwood Estates Inc. (94-2644(GST)G), Eldercrest Estates Inc. (94-2645(GST)G), Erin Dancer Holding Corp. (94-2646(GST)G), Fieldport Estates Inc. (94-2647(GST)G), Floral Shirt Investments Corporation (94-2648(GST)G), Home-Oak Investments Inc. (94-2649(GST)G), Home Sport Inc. (94-2650(GST)G), Kingsglen Developments Inc. (94-2651(GST)G), Marlin-Watson Home Corp. (94-2652(GST)G), Peakmount Developments Ltd. (94-2659(GST)G), Princestar Homes Ltd. (94-2660(GST)G), Ravencliff Estates Inc. (94-2661(GST)G), Shurphil Holdings Corp. (94-2662(GST)G), Simongate Estates Inc. (94-2667(GST)G), Spictan Holdings Inc. (94-2666(GST)G), Swan Valley Developments Inc. (94-2665(GST)G), Twelve-Jan Investments Inc. (94-2670(GST)G), Two Step Holdings Inc. (94-2669(GST)G), and Unidenton Holding Corp. (94-2668(GST)G)**

**v. (26793)**

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

**NATURE OF THE CASE**

Taxation - Statutes - Interpretation - Whether the value of the Goods and Services Tax Rebate or the Federal Sales Tax New Housing Rebate that is assigned by the purchaser of a newly constructed home to the builder constitutes part of the builder's total consideration for the sale of the home and is subject to GST - Whether the Tax Court of Canada erred in law by applying a doctrine of "more rigorous scrutiny of taxpayer activities" on the basis of a purposive analysis of the relevant fiscal legislation - Sections 121, 154 and 254 of the *Excise Tax Act*, R.S.C. 1985, c. E-15, Part IX, as amended.

**PROCEDURAL HISTORY**

May 22, 1996 Tax Court of Canada (Rip J.T.C.C.)	Applicants' appeals from assessment made under Part IX of the <i>Excise Tax Act</i> dismissed
May 21, 1998 Federal Court of Appeal (Strayer, Linden and Robertson JJ.A.)	Appeal dismissed
August 18, 1998 Supreme Court of Canada	Application for leave to appeal filed

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**Edward Charles Richardson a.k.a. Edward Chum Richardson**

**v. (26956)**

**Judith Richardson a.k.a. Judith Velazquez de Richardson (B.C.)**

**NATURE OF THE CASE**

Family law - Divorce - Division of property - Maintenance - Family assets - Distribution of family assets - *Family Relations Act*, R.S.B.C. 1996, Chapter 128, Part V - *Divorce Act*, R.S.C. 1985, c. 3 - Whether the lower courts disposed of the case properly?

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**PROCEDURAL HISTORY**

September 12, 1997 Supreme Court of British Columbia (Thackray J.)	Divorce granted; distribution of family assets determined and lump sum maintenance awarded
September 23, 1998 Court of Appeal for British Columbia (Proudfoot, Finch, Ryan JJ.A.)	Appeal dismissed; Applicant's application to admit fresh evidence dismissed
October 14, 1998 Supreme Court of Canada	Application for leave to appeal filed

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**Dr. Keith Mondesir**

**v. (26816)**

**Manitoba Association of Optometrists (Man.)**

**NATURE OF THE CASE**

Administrative law - Investigation into professional misconduct of an optometrist - Reasonable apprehension of bias concerning member of the complaints committee - Whether the existence of a reasonable apprehension of bias at the investigative stage of the administrative process warrants the granting of a prohibition order preventing the complaint from proceeding to a second-stage discipline committee for hearing.

**PROCEDURAL HISTORY**

January 27, 1997 Court of Queen's Bench of Manitoba (Schulman J.)	Order prohibiting the Respondent's discipline committee from proceeding with a hearing of the complaint
July 6, 1998 Court of Appeal of Manitoba (Philp, Twaddle and Helper JJ.A.)	Appeal allowed and order of prohibition set aside
August 28, 1998 Supreme Court of Canada	Application for leave to appeal filed

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**Isabelle Rijntjes**

**v. (26906)**

**Workers' Compensation Board of Nova Scotia (N.S.)**

**NATURE OF THE CASE**

Labour law - Workers' Compensation - Administrative law - Judicial review - Standard of review - Jurisdiction - Statutes - Interpretation - *Workers' Compensation Act*, R.S.N.S. 1989, c. 508 (the former *Act*) - *Workers' Compensation Act*, R.S.N.S. 1994-95, c. 10 (the current *Act*) - Whether the Court of Appeal erred in its interpretation and application of s. 24 of the former *Act* - Whether the Court of Appeal erred by failing to find that s. 24 of the former *Act* limits the jurisdiction of the WCAT - Whether the Court of Appeal erred regarding the standard of review.

**PROCEDURAL HISTORY**

October 22, 1997 Nova Scotia Workers' Compensation Appeals Tribunal (Knox, Appeal Commissioner)	Applicant's appeal from a decision of a Hearing Officer determining that the Applicant's injury was not a reoccurrence of her compensable injury
July 9, 1998 Nova Scotia Court of Appeal (Flinn, Hart and Hallett JJ.A.)	Appeal dismissed
September 29, 1998 Supreme Court of Canada	Application for leave to appeal filed

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**John R. McColl**

**v. (26845)**

**The Corporation of the Town of Gravenhurst (Ont.)**

**NATURE OF THE CASE**

Administrative law - Judicial review - Applicant dismissed as chief administrative officer and clerk of Respondent town after a hearing - Replacement hired - Hearing declared invalid - Matter remitted to Respondent town for new hearing - New hearing held - Whether a statutory body required to hold a hearing prior to the dismissal of a public officer can lawfully dismiss the individual, hire a replacement, and then hold a hearing to consider whether the individual ought to be re-hired - Whether the minimal standard for bias set out in *Old St. Boniface Residents Association Inc. v. Winnipeg (City)*, [1990] 3 S.C.R. 1170 and *Save Richmond Farmland Society v. Richmond (Township)*, [1990] 3 S.C.R. 1213 is the wrong standard to apply in that it cannot be reconciled with the "high standard of justice" demanded by this Court when the right to continue one's professional employment is at stake, as set out in *Kane v. Board of Governors of the University of British Columbia*, [1980] 1 S.C.R. 1105 and *Knight v. Indian Head School Division No. 19*, [1990] 1 S.C.R. 653.

**PROCEDURAL HISTORY**

October 1, 1993 Ontario Court (Divisional Court) (Hart, Southey and Smith JJ.)	Application for judicial review by Applicant dismissed
June 15, 1998 Court of Appeal for Ontario (McMurtry C.J.O., Doherty and Goudge JJ.A.)	Appeal dismissed
September 14, 1998 Supreme Court of Canada	Application for leave to appeal filed

**JUDGMENTS ON APPLICATIONS  
FOR LEAVE**

**JUGEMENTS RENDUS SUR LES  
DEMANDES D'AUTORISATION**

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**DECEMBER 10, 1998 / LE 10 DÉCEMBRE 1998**

**26728**            **MARK BODENSTEIN - v. - HER MAJESTY THE QUEEN** (Crim.)(Ont.)

CORAM:            The Chief Justice and McLachlin 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 - Whether Court of Appeal erred in law in applying section 686(1)(b)(iii) of the *Criminal Code of Canada* circumstances of this case - Whether Court of Appeal effectively denied the applicant the opportunity of making full answer and defence.

**PROCEDURAL HISTORY**

December 16, 1996 Ontario Court (Provincial Division) O'Hara P.C.J.	Conviction: possession of cocaine for the purpose of trafficking
July 4, 1997 Court of Appeal for Ontario (Houlden J.A.)	Applicant's motion for extension of time to appeal conviction dismissed; Applicant's motion to extend time to appeal sentence allowed
April 20, 1998 Court of Appeal for Ontario (Brooke, Weiler and Charron JJ.A.)	Appeal against sentence dismissed
June 8, 1998 Supreme Court of Canada	Motion to extend time for leave to appeal filed
September 23, 1998 Supreme Court of Canada	Application for leave to appeal filed

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**26780**            **LADNER DOWNS AND ARTHUR EQUIPMENT AND SERVICES LTD. - v. - DOUGLAS SHORE** (B.C.)

CORAM:            The Chief Justice and McLachlin 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**

Labour law - Master and Servant - Dismissal - Appropriate period of notice of termination of employment - Contract of Employment - Contractual terms - Enforceability of contractual terms - Term in employment contract providing for 30 days notice - Statutory notice provisions - *Employment Standards Act*, S.B.C. 1980, c. 10, s. 2 - Common law presumption of reasonable notice - Whether the lower courts disposed of the case properly - Whether the contractual term in question is enforceable.



**PROCEDURAL HISTORY**

April 24, 1997  
Supreme Court of British Columbia  
(Collver J.)

Respondent's application for a summary trial for a determination of the appropriate period of notice. Order: term in employment contract providing for 30 days notice is unenforceable; five months notice of termination appropriate

May 5, 1998  
British Columbia Court of Appeal  
(Esson, Rowles, Hall JJ.A.)

Applicants' appeal dismissed

July 31, 1998  
Supreme Court of Canada

Application for leave to appeal filed

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**26798**            **IMTIAZ HUSAIN v. CANADIAN AIRLINES INTERNATIONAL LTD.** (F.C.A.)(Ont.)

CORAM:            L'Heureux-Dubé, Gonthier and Bastarache JJ.

The application for leave to appeal is dismissed without costs.

La demande d'autorisation d'appel est rejetée sans frais.

**NATURE OF THE CASE**

Administrative law - Judicial review - Labour law - Statutes - Interpretation - *Canada Labour Code*, R.S.C. 1985, c.L-2 - Unjust dismissal - s. 242(3.1) (limitation on complaints) - Whether an adjudicator appointed under Part III of the *Canada Labour Code* had jurisdiction to hear a complaint of unjust dismissal - Whether such a hearing was barred by s. 242(3.1) of the *Code* which bars a complaint where the complainant "has been laid off because of lack of work or because of the discontinuance of a function" - An adjudicator held that the provision did not apply and that the Applicant had been unjustly dismissed - This was reversed by the Federal Court of Appeal - Whether Federal Court of Appeal erred in quashing the adjudicator's award - Whether Federal Court of Appeal erred in its interpretation of s. 242(3.1)(a) - Whether Federal Court of Appeal misapplied *Flieger v. New Brunswick*, [1993] 2 S.C.R. 651 - Whether Federal Court of Appeal misconstrued its role by substituting its opinion for that of the adjudicator on a finding of fact relating to the adjudicator's jurisdiction - Whether decision of Federal Court of Appeal is inconsistent with the pronouncements of this Honourable Court on the role of a court on judicial review of a labour tribunal.

**PROCEDURAL HISTORY**

March 3, 1995  
Federal Court of Canada, Trial Division (Jerome A.C.J.)

Application by Respondent for an order setting aside the decision of Adjudicator dismissed

May 5, 1998  
Federal Court of Appeal  
(Stone, Linden and Robertson JJ.A.)

Appeal allowed; order of the Trial Division set aside, application for judicial review allowed and award of adjudicator quashed

August 4, 1998  
Supreme Court of Canada

Application for leave to appeal filed

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**26829**            **G.G. c. J.L.** (Qué.)

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CORAM: Les juges L'Heureux-Dubé, Gonthier et Bastarache

La demande d'autorisation d'appel est rejetée.

The application for leave to appeal is dismissed.

**NATURE DE LA CAUSE**

Droit de la famille - Divorce - Garde - Accès - Changement du lieu de résidence - La Cour d'appel a-t-elle erré en statuant que l'imposition de restrictions au "droit" du parent gardien de choisir le lieu de résidence est l'exception? - La Cour d'appel a-t-elle erré en refusant de considérer la conduite de l'intimée? - La Cour d'appel a-t-elle erré en confirmant la décision du juge Audet, laquelle fut prise sans nouvelle expertise et sans analyse complète de tous les éléments permettant de déterminer l'intérêt des enfants? - *Gordon c. Goertz*, [1996] 2 R.C.S. 27.

**HISTORIQUE PROCÉDURAL**

Le 21 juin 1996  
Cour supérieure du Québec  
(Rousseau j.c.s.)

Mesures provisoires: garde des trois enfants confiée à l'intimée à la condition qu'elle réside dans la grande région de Montréal

Le 14 août 1997  
Cour supérieure du Québec  
(Audet j.c.s.)

Requête de l'intimée visant à modifier l'ordonnance de garde provisoire accordée: intimée autorisée à déménager à Toronto avec les enfants

Le 8 décembre 1997  
Cour supérieure du Québec  
(Tellier j.c.s.)

Requête du demandeur visant à modifier l'ordonnance de garde provisoire afin d'obtenir la garde des enfants rejetée

Le 11 juin 1998  
Cour d'appel du Québec  
(Deschamps, Robert et Biron [*ad hoc*] jj.c.a.)

Pourvois du demandeur à l'encontre des décisions du 14 août et du 8 décembre rejetés

Le 10 septembre 1998  
Cour suprême du Canada

Demande d'autorisation d'appel déposée

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**26647** **JEFFREY FINK, INTERNATIONAL FREEHOLD FINANCIAL SERVICES LTD., GENERAL MORTGAGE CORPORATION - v. - HER MAJESTY THE QUEEN** (Crim.) (Ont.)

CORAM: Cory, Major and Binnie JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Criminal law - Solicitor-client privilege - Whether the application judge erred in finding that the documents in question were not born within the solicitor-client relationship and were not therefore protected from disclosure - Whether the application judge erred in finding that documents that were created based on communications between the Applicant and his counsel were not privileged - Whether the application judge erred in not finding that when a client instructs his counsel to complete a specific transaction and prepare documents for this purpose, the documents, like the instructions are

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privileged - Whether the application judge erred in finding that there was an insufficient evidentiary basis to establish the Applicant's solicitor-client privilege claim.

**PROCEDURAL HISTORY**

April 27, 1998 Ontario Court of Justice (General Division) (German J.)	Application to prevent disclosure of documents to Respondent dismissed
June 26, 1998 Supreme Court of Canada	Application for leave to appeal filed

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**26737**      **IRVING OIL LIMITED - v. - ANGELA MOQUIN, CRYSTAL PRINCE, LINDA BENNETT, DAVID J. JEWER, GUY L. LEMOINE, KELLY CAMPBELL, NICKINA T. GARDINER, DANIEL P. SCHRIVER, DALE A. SCHRIVER AND THE DIRECTOR OF EMPLOYMENT STANDARDS (N.B.)**

CORAM:      Cory, Major and Binnie JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Administrative Law - Judicial Review - Statutes - Interpretation - Creditor and landlord realizes upon security, seizes assets and inventory of debtor, and carries on debtor's business - Creditor and landlord ordered to pay vacation pay and wages as successor employer - Labour and Employment Board decides that the realization of security constituted a disposition of the debtor's business and creditor became a successor employer under the *Employment Standards Act*, S.N.B. 1982, c. E-7.2 - Whether creditor became a successor employer - Patent reasonableness of Board's decision.

**PROCEDURAL HISTORY**

February 19, 1997 Court of Queen's Bench of New Brunswick (Russell J.)	Board's decision quashed
April 30, 1998 Court of Appeal of New Brunswick (Hoyt, Rice and Turnbull JJ.A.)	Appeal allowed, Board's decision restored
June 26, 1998 Supreme Court of Canada	Application for leave to appeal filed

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**26740**      **CANADA POST CORPORATION - v. - JAMES W. SMITH and WORKERS' COMPENSATION APPEALS TRIBUNAL (Ont.)**

CORAM:      Cory, Major and Binnie JJ.

The application for leave to appeal is dismissed with costs to James W. Smith.

La demande d'autorisation d'appel est rejetée avec dépens à James W. Smith.

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**NATURE OF THE CASE**

Administrative law - Judicial review - Standard of review - Labour law - Workers' Compensation - Statutes - Interpretation - *Government Employees Compensation Act*, R.S.C. 1985, c. G-5 - *Workers' Compensation Act*, R.S.O. 1990, c. W. 11 - Definition of "compensation" - Who has jurisdiction for determining what injured federal workers are entitled to in Ontario - Obligation to re-employ injured workers - Whether "compensation" includes the obligation to re-employ - Whether a Canada Post employee, injured at the workplace, is entitled to rely on the re-employment rights found in the *Workers' Compensation Act* - Whether this decision conflicts with other appellate authorities - Whether the lower courts disposed of the case properly.

**PROCEDURAL HISTORY**

January 18, 1996  
Ontario Court of Justice (Divisional Court)  
(Saunders, Corbett and Adams JJ.)

Applicant's application for judicial review seeking an order setting aside the decisions of Workers' Compensation Appeals Tribunal and seeking a declaration that s. 54 of the WCA does not apply to the Applicant dismissed

April 1, 1996  
Court of Appeal for Ontario  
(Morden A.C.J.O., Catzman and Weiler JJ.A.)

Application for leave to appeal granted

May 1, 1998  
Court of Appeal for Ontario  
(Morden A.C.J.O., Abella and Goudge JJ.A.)

Applicant's appeal dismissed

June 30, 1998  
Supreme Court of Canada

Application for leave to appeal filed

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**26702**      **GIOVANNI DIDOMIZIO - v. - FRANK PORTO and MIRIAM PORTO** (Ont.)

CORAM:      Cory, Major and Binnie 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 - Remedies - Residential real estate transaction - Extension Agreement - Deposit - Whether the Court of Appeal erred in finding that the trial judge, in his treatment of the \$160,000 deposit, granted relief from forfeiture - Whether the Court of Appeal erred in disallowing the Applicant's claim for damages for expenses incurred before August 1992 - Whether the \$160,000 deposit should have been returned to the purchaser, subject to the vendor's claim for damages.

**PROCEDURAL HISTORY**

January 9, 1996 Ontario Court (General Division) (Pitt J.)	Respondents' action to recover the sum of \$160,000: Applicant ordered to pay the Respondents the sum of \$90,000 with pre-judgment interest
April 9, 1998 Ontario Court of Appeal (Morden A.C.J.O., Weiler and Moldaver JJ.A.)	Appeal dismissed
June 15, 1998 Supreme Court of Canada	Application for leave to appeal filed

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**26692**            **MICHAEL C. JAMES - v. - HER MAJESTY THE QUEEN** (F.C.A.)

CORAM:        Cory, Major and Binnie JJ.

The application for leave to appeal is dismissed with costs.

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

**NATURE OF THE CASE**

Procedural Law - Civil procedure - Limitation of Actions -Taxation - Assessment - Deemed Notice - Whether mailing Notices of Confirmation of tax reassessments to taxpayers last known address constitutes notice of reassessment for purpose of commencing a one-year limitation period on appeals from reassessments.

**PROCEDURAL HISTORY**

January 13, 1995 Tax Court of Canada (Brulé J.)	Extension of time to file appeal denied
December 21, 1995 Tax Court of Canada (Brulé J.)	Motions to amend judgment and to extend time to file Notice of Appeal in Federal Court of Appeal dismissed
May 27, 1997 Federal Court of Appeal (Marceau, Linden, Robertson JJ.A.)	Appeal dismissed
June 16, 1998 Supreme Court of Canada (Major J.)	Extension of time to file application for leave to appeal granted
August 10, 1998 Supreme Court of Canada	Application for leave to appeal filed

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**26710**            **FREDA EVELYN LANGENHAHN and ROBERT LESLIE LANGENHAHN - v. - RICHARD M. CZYZ and RICHARD M. CZYZ PROFESSIONAL CORPORATION** (Alta.)

CORAM:        Cory, Major and Binnie JJ.

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The application for leave to appeal is dismissed with costs.

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

**NATURE OF THE CASE**

Torts - Actions - Prescription - Whether general rule of discoverability applies to s.55 of the *Limitation of Actions Act*, R.S.A. 1980 c.L-15 respecting professional negligence and malpractice actions against dentists, physicians, chiropractors, podiatrists and optometrists - Whether incorporating the common law and equitable principle of discoverability into s.55 of the *Limitation of Actions Act*, R.S.A. 1980 c.L-15 is within the jurisdiction of the Courts.

**PROCEDURAL HISTORY**

October 2, 1995  
Court of Queen's Bench (Breitkreuz, Master)

Applicants' action struck out

January 15, 1996  
Court of Queen's Bench (O'Byrne J.)

Appeal allowed: statement of claim reinstated

April 17, 1998  
Court of Appeal of Alberta (Bracco J.A. [dissenting in part] and McFadyen and Sulatycky JJ.A.)

Appeal allowed; matter remitted to Court of Queen's Bench for determination of the issue: What is the date when the professional services terminated in respect of the matter that is the subject of this action

June 15, 1998  
Supreme Court of Canada

Application for leave to appeal filed

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**26304**      **ROBERT PROUDFOOT HESS, TRIUMPH CREDIT CORPORATION LIMITED, CANADIAN IMPERIAL BANK OF COMMERCE, THE T. EATON COMPANY LTD., BANK OF MONTREAL, GOODMAN AND CARR, THE ETOBICOKE WATERFRONT PARTNERSHIP, CATHERINE J. LUKES, IN TRUST, and THE METROPOLITAN TORONTO AND REGION CONSERVATION AUTHORITY - v. - 1233375 ONTARIO INC.** (Ont.)

CORAM:      Cory, Major and Binnie JJ.

The application for leave to appeal as well as all ancillary motions are dismissed with costs.

La demande d'autorisation d'appel et toutes requêtes accessoires sont rejetées avec dépens.

**NATURE OF THE CASE**

Property law - Mortgages - Interest - Whether the mortgage, as renewed from time to time, was contrary to section 6 of the *Interest Act*, R.S.C. 1985, c. I-18 - Whether the calculation of interest owing under the mortgage was wrong.

**PROCEDURAL HISTORY**

December 18, 1996 Ontario Court (General Division) (Grossi J.)	Respondent's motion for summary judgment granted; Judgment for the Respondent in the sum of \$133,449.16 and order for foreclosure
September 8, 1997 Court of Appeal for Ontario (Finlayson, Osborne, Rosenberg JJ.A.)	Application to admit fresh evidence and appeal dismissed
June 2, 1998 Supreme Court of Canada	Application for leave to appeal filed
June 8, 1998 Supreme Court of Canada (Major J.)	Motion for an extension of time to file application for leave to June 5, 1998, granted
August 25, 1998 Supreme Court of Canada (Major J.)	Motion to add or substitute a party, granted
October 20, 1998 Supreme Court of Canada (Cory J.)	Applicant's motion to adduce additional materials dismissed

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**26668**      **R. MARK RECALMA, LAURA D. RECALMA and ARNOLD P. RECALMA - v. - HER MAJESTY THE QUEEN** (F.C.A.)

CORAM:      Cory, Major and Binnie 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**

Indians -Taxation - Exemption - Investment income - Income received by aboriginals living on reserve through bank located on reserve from monies invested off reserve - Whether Applicants' investment income is "situated on a reserve" within the meaning of ss. 87(1)(b) of the *Indian Act*, R.S.C. 1985, c. I-5 - Whether the purpose of s. 87 is to prevent the erosion of property held by Indians *qua* Indians so as to protect their traditional Native way of life - Whether test for determining whether intangible personal property is "situated on a reserve" under s. 87(1)(b) is so uncertain as to require re-examination.

**PROCEDURAL HISTORY**

June 17, 1996 Tax Court of Canada (Hamlyn J.T.C.C.)	Appeals from assessment dismissed
March 27, 1998 Federal Court of Appeal (Pratte, Décary and Linden JJ.A.)	Appeal dismissed
May 25, 1998 Supreme Court of Canada	Application for leave to appeal filed

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**26704**            **GREAT TEMPO S.A. v. JIAN SHENG CO. LTD. and SINOTRANS CANADA INC. (F.C.A.)**  
(B.C.)

CORAM:            Cory, Major and Binnie 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**

Maritime law - Shipping - Procedural law - Civil procedure - Pre-trial procedure - Stay of proceedings - Whether the Federal Court of Appeal erred in dismissing a motion for a stay - Whether the Federal Court of Appeal erred in holding that the Applicant failed to establish that its principal place of business was in Hong Kong, thus justifying a stay of proceedings in Canadian courts pursuant to a jurisdiction clause in a bill of lading - Whether the Federal Court of Appeal imposed an unreasonable burden of proof on the Applicant - Whether the Federal Court of Appeal wrongly interfered in the exercise of discretion by the motions judge who had granted a stay.

**PROCEDURAL HISTORY**

June 4, 1997  
Federal Court (Trial Division) (Tremblay-Lamer J.)

Appeal from Prothonotary's dismissal of stay application allowed; stay of proceedings granted

April 14, 1998  
Federal Court of Appeal  
(Pratte, Décary and Linden JJ.A.)

Appeal allowed; decision of motions judge set aside; order of Prothonotary restored and application for stay of proceedings dismissed

June 11, 1998  
Supreme Court of Canada

Application for leave to appeal filed

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**26722**            **HOWARD WHITE, THERESA WHITE - v. - RAFFAELE CUGLIARI** (Ont.)

CORAM:            Cory, Major and Binnie 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**

Statutes - Interpretation - Torts - Damages - Whether Canada Pension Plan disability benefits, which are obtained pursuant to a mandatory public statutory program, are deductible from an award of damages either at common law or pursuant to s. 267(1)(c) of the *Insurance Act*, R.S.O. 1990, c. I. 8 - Whether Canada Pension Plan disability benefits were indemnity payments - Where s. 267 displaced the common law principles relating to the deductibility of benefits from damages awards in the context of motor vehicle accidents - *Cunningham v. Wheeler*, [1994] 1 S.C.R. 359.

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**PROCEDURAL HISTORY**

May 31, 1995 Ontario Court (General Division) (Caswell J.)	Canada Pension Plan disability benefits received by Respondent held to be deducted from jury award of damages
October 4, 1996 Ontario Court of Justice (Divisional Court) (Carruthers, Dunnet and Speyer JJ.)	Appeal allowed
April 23, 1998 Court of Appeal for Ontario (Finlayson, Charron and Goudge JJ.A.)	Appeal dismissed
June 19, 1998 Supreme Court of Canada	Application for leave to appeal filed

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**26741**            **TAM THANH CHU - v. - MINISTER OF CITIZENSHIP AND IMMIGRATION** (F.C.A.) (Ont.)

CORAM:        Cory, Major and Binnie 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**

Immigration - Convention refugee - Documentary evidence - Administrative law - Judicial Review - Danger to the public determination pursuant to s. 70(5) of the *Immigration Act*, R.S.C. 1976-77, c. 52 - What is the appropriate standard of review - Whether the lower court erred by deciding that certain information on country conditions considered by the Minister's delegate in forming the opinion that the Applicant was a danger to the public was not extrinsic evidence requiring disclosure to the Applicant - Whether the lower court erred by making a presumption that documentary evidence was available to the Applicant.

**PROCEDURAL HISTORY**

August 28, 1997 Federal Court of Canada (Trial Division) (Reed J.)	Applicant's application for judicial review dismissed
May 1, 1998 Federal Court of Appeal (Stone, Décary, Robertson JJ.A.)	Applicant's appeal dismissed
June 29, 1998 Supreme Court of Canada	Application for leave to appeal filed

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**26749**            **JON OPREA and ELENA OPREA - v. - THE ROYAL INSURANCE COMPANY OF CANADA**  
(Ont.)

CORAM:        Cory, Major and Binnie JJ.

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The application for leave to appeal is dismissed with costs.

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

**NATURE OF THE CASE**

Commercial Law - Insurance - Claim for property losses following incendiary fire - Allegation of arson - Onus of proving arson - Whether evidence of motive and opportunity were proven and substantiated finding of arson.

**PROCEDURAL HISTORY**

April 29, 1994 Ontario Court (General Division) (MacDonald J.)	Action for damages dismissed
May 6, 1998 Court of Appeal for Ontario (Moldaver, Goudge JJ.A. and Ferrier J., <i>ad hoc</i> )	Appeal dismissed
July 31, 1998 Supreme Court of Canada	Application for leave to appeal filed

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**26752**      **ERNEST A.J. HAWRISH - v. - THE LAW SOCIETY OF SASKATCHEWAN, THE BENCHERS, THE COMMITTEES AND THE OFFICERS OF THE LAW SOCIETY OF SASKATCHEWAN** (Sask.)

CORAM:      Cory, Major and Binnie JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Administrative law - Jurisdiction - Statutes - Interpretation - Disciplinary proceedings - Whether time requirements imposed by statute on tribunals of limited authority are to be strictly interpreted - Whether non-observance of time requirements by tribunal results in failure of jurisdiction - Whether a tribunal is required to stay its own proceedings when an application is made to the Supreme Court of Canada challenging the jurisdiction of the tribunal.

**PROCEDURAL HISTORY**

November 10, 1997 Saskatchewan Court of Queen's Bench (Hrabinsky J.)	Order prohibiting the Respondents from filing any further proceedings or actions alleging that Applicant is guilty of conduct unbecoming a barrister and solicitor
May 19, 1998 Court of Appeal for Saskatchewan (Cameron, Sherstobitoff and Lane JJ.A.)	Appeal allowed
July 17, 1998 Supreme Court of Canada	Application for leave to appeal filed

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**26763**            **PETER D. SHANOHA - v. - MOTORWAYS (1980) LTD.** (Man.)

CORAM:           Cory, Major and Binnie JJ.

The motion 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**

Procedural law - Civil procedure - Summary judgment - Labour law - Collective agreement - Whether summary judgment was appropriately granted in this case - Whether the courts have jurisdiction in this case - Whether the collective agreement addresses the issues raised in the Applicant's statement of claim - Whether unionized workers can sue for wrongful dismissal if their collective agreement does not address the issue of termination.

**PROCEDURAL HISTORY**

March 20, 1995 Court of Queen's Bench of Manitoba (Krindle J.)	Summary judgment granted; action dismissed
November 24, 1995 Court of Appeal of Manitoba (Scott C.J.M., Helper and Monnin JJ.A.)	Appeal dismissed
July 13, 1998 Supreme Court of Canada	Application for leave to appeal and for extension of time filed

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**26834**            **THE MINISTER OF NATIONAL REVENUE - v. - GLAXO WELLCOME PLC** (F.C.A.)(Ont.)

CORAM:           Cory, Major and Binnie JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Procedural law - Civil procedure - Evidence - Statutes - Interpretation - Does the equitable bill of discovery exist in Canada, particularly given that pre-trial discovery and discovery of non-parties are matters which in Canada have been dealt with by legislation and rules of civil procedure - Is the equitable bill of discovery available where the means for disclosure of information has been expressly provided by the statute, and particularly where decisions made pursuant to that legislation are open to review by a court - Is the equitable bill of discovery available against a person who is not connected to or involved in the alleged misconduct - Does their administration of the *Customs Act* mean that the Minister of National Revenue and his officials are "connected to or involved in" the importation of allegedly infringing goods - Is the equitable bill of discovery available against the Crown, absent any statutory waiver of the Crown's prerogative immunity from discovery other than as a party to an action.

**PROCEDURAL HISTORY**

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JUDGMENTS ON APPLICATIONS  
FOR LEAVE

JUGEMENTS RENDUS SUR LES DEMANDES  
D'AUTORISATION

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November 27, 1997  
Federal Court of Canada, Trial Division (McKeown J.)

Application by Respondent for a bill of discovery dismissed

June 17, 1998  
Federal Court of Appeal  
(Stone, Létourneau and Robertson JJ.A.)

Appeal allowed; Applicant ordered to submit to examination for discovery by Respondent to reveal names of certain importers

August 25, 1998  
Federal Court of Appeal (Robertson J.A.)

Application for stay of June 17, 1998 judgment granted pending status of application for leave to appeal and any appeal granted by Supreme Court of Canada

September 11, 1998  
Supreme Court of Canada

Application for leave to appeal filed

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16.11.1998

Before / Devant: BASTARACHE J.

**Motion for an order:**

- 1) **Allowing the applicants to obtain a new mortgage;**
- 2) **Releasing a security deposit of \$15,000 from the Ontario Court (General Division) to the Supreme Court of Canada**

**Requête sollicitant une ordonnance:**

- 1) **autorisant les requérants à obtenir une nouvelle hypothèque;**
- 2) **portant remise à la Cour suprême du Canada du cautionnement de 15 000 \$ déposé à la Cour de l'Ontario (Division générale)**

Fouzia Saeed Khan et al.

v. (26839)

Farida Timakis (Ont.)

**DISMISSED / REJETÉE**

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26.11.1998

Before / Devant: THE REGISTRAR

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

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

Her Majesty the Queen

v. (25858)

Edmon Kabbabe (Qué.)

**GRANTED / ACCORDÉE** Time extended to November 18, 1998.

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26.11.1998

Before / Devant: BASTARACHE J.

**Motion for a stay of execution**

**Requête en vue de surseoir à l'exécution**

Fouzia Saeed Khan et al.

v. (26839)

Farida Timakis (Ont.)

**DISMISSED / REJETÉE**

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26.11.1998

Before / Devant: LE REGISTRAIRE

**Requête en prorogation de délai pour signifier le mémoire de l'intimé**

**Motion to extend the time in which to serve the respondent's factum**

Sa Majesté la Reine

c. (26226)

Benoit Grégoire (Qué.)

**GRANTED / ACCORDÉE** Délai prorogé au 19 novembre 1998.

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26.11.1998

Before / Devant: THE REGISTRAR

**Motion to extend the time in which to serve and file the appellant's record, factum and book of authorities**

**Requête en prorogation du délai imparti pour signifier et déposer le dossier, le mémoire et le cahier de jurisprudence et de doctrine de l'appelante**

Her Majesty the Queen in right of Newfoundland et al.

v. (26362)

Andrew Wells (Nfld.)

**GRANTED / ACCORDÉE** Time extended to October 26, 1998.

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26.11.1998

Before / Devant: GONTHIER J.

**Motion to extend the time in which to file the notice of appeal**

**Requête en prorogation du délai imparti pour déposer l'avis d'appel**

Shell Canada Ltd.

v. (26596)

Her Majesty the Queen (Alta.)

**GRANTED / ACCORDÉE** Time extended to November 17, 1998 *nunc pro tunc*.

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26.11.1998

Before / Devant: THE REGISTRAR

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

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

Bot Construction Limited

v. (26758)

Her Majesty the Queen in right of the province of Ontario et al. (Ont.)

**GRANTED / ACCORDÉE** Time extended to November 13, 1998.

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26.11.1998

Before / Devant: THE REGISTRAR

**Motion to extend the time in which to serve and file an intervener's factum and book of authorities**

**Requête en prorogation du délai imparti pour signifier et déposer le mémoire et le cahier de jurisprudence et de doctrine d'un intervenant**

BY/PAR: A.G. of N.B.

IN/DANS: United Foods and Commercial Workers International Union, Local 1288P

v. (26203)

Allsco Building Products Ltd. et al. (N.B.)

**GRANTED / ACCORDÉE** Time extended to November 2, 1998 *nunc pro tunc* to serve and file the factum and to November 5, 1998 *nunc pro tunc* to serve and file the book of authorities.

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27.11.1998

Before / Devant: GONTHIER J.

**Motion on appeal by the respondents for an order directing the interveners to file their factums by November 25, 1998**

**Requête en appel présentée par les intimés en vue d'obtenir une ordonnance enjoignant aux intervenants de déposer leurs mémoires au plus tard le 25 novembre 1998**

Her Majesty the Queen in right of Canada et al.

v. (26174)

Angelo Del Zotto (Ont.)

**GRANTED / ACCORDÉE**

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The application is granted as follows:

It being acknowledged that the Attorney General for Ontario has filed its factum on November 6, 1998, the Attorney General of Québec is directed to serve and file its factum by December 2, 1998 and the Attorney General of Alberta is directed to serve and file its factum by December 8, 1998.

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27.11.1998

Before / Devant: GONTHIER J.

**Motion to adduce new evidence on behalf of the  
intervener**

**Requête tendant au dépôt d'une nouvelle preuve au  
nom de l'intervenant**

BY/PAR: Sexual Assault Centre of Edmonton

IN/DANS: L.C. et al.

v. (26358)

Brian Joseph Mills (Alta.)

**GRANTED / ACCORDÉE**

On the application for fresh evidence by the intervener Sexual Assault Centre of Edmonton for leave to introduce by way of fresh evidence the affidavits of Catherine Hedlin and Dr. Marjorie Nix Holmgren, I find that much of the evidence, notably that covered by the affidavit of Dr. Holmgren and Exhibit "B" to the affidavit of Catherine Hedlin are already in evidence, that certain material is not proper evidence or not required to be produced as evidence and I am not satisfied that the remaining material, with the possible exception of Exhibit "F", is required to supplement the record. In the absence of any objection, I am prepared to allow the motion in part with reference only to the production of a paper entitled "Health Aspects of Violence Against Women" by Dianne Kinnon and Louise Hanvey, identified as Exhibit "F" to the affidavit of Catherine Hedlin.

For the foregoing reasons, the application is granted in part and an order shall issue granting leave to introduce as fresh evidence the paper entitled "Health Aspects of Violence Against Women" by Dianne Kinnon and Louise Hanvey, and extending the time for the applicant intervener to file its factum until December 4, 1998.

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30.11.1998

Before / Devant: THE REGISTRAR

**Motion to extend the time in which to serve and file  
the respondent's factum and book of authorities**

**Requête en prorogation du délai imparti pour  
signifier et déposer le mémoire et le cahier de  
jurisprudence et de doctrine de l'intimé**

Vincent Godoy

v. (26078)

Her Majesty the Queen (Ont.)

**GRANTED / ACCORDÉE** Time to serve and file the respondent's factum extended to September 30, 1998 and its book of authorities to November 24, 1998.



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30.11.1998

Before / Devant: LE REGISTRAIRE

**Requête en prorogation du délai imparti pour signifier et déposer la réponse de l'appelante à la demande d'autorisation d'appel incident de l'intimé**

**Motion to extend the time in which to serve and file the appellant's response to the respondent's motion for leave to cross-appeal**

Sa Majesté la Reine

c. (26646)

Daniel Jolivet (Qué.)

**GRANTED / ACCORDÉE** Délai prorogé au 30 novembre 1998.

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30.11.1998

Before / Devant: THE REGISTRAR

**Motion to extend the time in which to serve and file the respondent's book of authorities**

**Requête en prorogation du délai imparti pour signifier et déposer le cahier de jurisprudence et de doctrine de l'intimée**

Jamie Tannis Gladue

v. (26300)

Her Majesty the Queen (B.C.)

**GRANTED / ACCORDÉE** Time extended to November 12, 1998.

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1.12.1998

Before / Devant: LE JUGE BINNIE

**Requête de la demanderesse pour obtenir une ordonnance l'autorisant à produire des documents additionnels**

**Motion for an order permitting the applicant to file additional material**

Alex Couture Inc.

c. (26678)

Municipalité de la Ville de Charny (Qué.)

**RÉFÉRÉE au banc saisi de la demande d'autorisation d'appel / REFERRED to the bench seized of the application for leave to appeal.**

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1.12.1998

Before / Devant: LE JUGE EN CHEF LAMER

**Requête pour énoncer une question constitutionnelle**

Richter & Associés Inc. et al.

c. (26272)

Le sous-ministre du Revenu du Québec

et entre

Tremblay & Compagnie Syndics et Gestionnaires Ltée

c.

Le sous-ministre du Revenu du Québec et le Procureur  
général du Canada (Qué.)

**DISMISSED / REJETÉE**

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2.12.1998

Before / Devant: LE REGISTRAIRE

**Requête pour permission de déposer un mémoire  
d'appel de plus de 40 pages**

Sa Majesté la Reine

c. (26830)

J.-L. J. (Qué.)

**GRANTED / ACCORDÉE** La requête de l'appelante pour obtenir une ordonnance l'autorisant à produire un mémoire plus de 40 pages, en l'espèce 53 pages est accordée.

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**NOTICE OF APPEAL FILED SINCE  
LAST ISSUE**

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

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2.12.1998

**James Warren Wells**

**v. (26642)**

**Her Majesty the Queen (Crim.)(Alta.)**

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3.12.1998

**Her Majesty the Queen**

**v. (26705)**

**Glenn White (Nfld.)**

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4.12.1998

**Nicodemo Sansalone**

**v. (26708)**

**The Wawanesa Mutual Insurance Company (B.C.)**

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**APPEALS HEARD SINCE LAST ISSUE  
AND DISPOSITION**

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

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3.12.1998

CORAM: Chief Justice Lamer and L'Heureux-Dubé, Gonthier, Cory, McLachlin, Iacobucci, Major, Bastarache and Binnie JJ.

**Arthur Robert Winters**

**v. (26180)**

**Legal Services Society et al. (Crim.)(B.C.)**

John W. Conroy, Q.C. and Michael Jackson, for the appellant.

Douglas MacAdams and Mark Benton, for the respondent Legal Services Society.

Harvey Groberman and Neema Sharma, for the respondent Attorney General of British Columbia.

**RESERVED / EN DÉLIBÉRÉ**

**Nature of the case:**

Criminal law - Prison disciplinary hearings - *Legal Services Society Act*, R.S.B.C. 1979, c. 227 - Whether the Appellant is a defendant in criminal proceedings that could lead to his imprisonment and therefore eligible for legal services under the *Legal Services Society Act* - Whether the Appellant is a person who may be imprisoned or confined through civil proceedings and therefore eligible for legal services under the *Legal Services Society Act*.

**Nature de la cause:**

Droit criminel - Audiences disciplinaires en milieu carcéral - *Legal Services Society Act*, R.S.B.C. 1979, ch. 227 - En vertu de la *Legal Services Society Act*, l'appellant a-t-il droit à des services juridiques au motif qu'il fait l'objet d'une poursuite criminelle susceptible de le conduire à l'emprisonnement ? - En vertu de la *Legal Services Society Act*, l'appellant a-t-il droit à des services juridiques au motif qu'il est susceptible d'être emprisonné ou séquestré à la suite d'un procès civil?

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3.12.1998

CORAM: Chief Justice Lamer and L'Heureux-Dubé, Gonthier, Cory, McLachlin, Iacobucci, Major, Bastarache and Binnie JJ.

**Robert Dennis Starr**

**v. (26514)**

**Her Majesty the Queen (Crim.)(Man.)**

G. Gregg Brodsky, Q.C., for the appellant.

Gregg Lawlor, for the respondent.

**RESERVED / EN DÉLIBÉRÉ**

**Nature of the case:**

Criminal law - Evidence - Whether the trial judge erred in failing to properly explain "reasonable doubt" - Whether the trial judge erred in allowing Jodie Giesbrecht to testify to out-of-court statements made by the deceased Bo Cook - Whether the trial judge erred in admitting evidence of an out-of-court identification of the Appellant.

**Nature de la cause:**

Droit criminel - Preuve - Le juge du procès a-t-il commis une erreur en n'expliquant pas comme il se doit le "doute raisonnable"? - Le juge du procès a-t-il commis une erreur en permettant à Jodie Giesbrecht de témoigner relativement à des déclarations extrajudiciaires faites par la victime Bo Cook? - Le juge du procès a-t-il commis une erreur en admettant une preuve d'identification extrajudiciaire de l'appellant?

4.12.1998

CORAM: Le juge en chef Lamer et les juges L'Heureux-Dubé, Gonthier, Cory, McLachlin, Iacobucci, Major, Bastarache et Binnie

**Sa Majesté la Reine**

Pierre Sauvé, pour l'appelante.

**c. (25858)**

**Edmon Kabbabe (Crim.)(Qué.)**

Frank Laveaux, pour l'intimé.

**EN DÉLIBÉRÉ / RESERVED**

**AVIS D'APPEL INCIDENT RETIRÉ / NOTICE OF CROSS APPEAL WITHDRAWN**

**Nature of the case:**

Criminal law—*Canadian Charter of Rights and Freedoms*—Evidence—Pre-trial procedure—Right to silence—Whether the majority of the Court of Appeal erred in ruling that the evidence derived from the compelled testimony of the wife of the accused is inadmissible in evidence at the trial of the accused—Whether Nuss J.A., one of the majority judges, erred in holding that s. 4 of the *Canada Evidence Act*, R.S.C. 1985, c. C-5, applies to an inquiry held by the fire investigation commissioner by operation of s. 25 of the *Fire Investigations Act*, R.S.Q., c. E-8—Whether, when a fire investigation commissioner compels a person suspected of arson to testify, that person's fundamental rights under s. 7 of the *Charter*, and specifically the right to silence as defined in *R. v. Hébert*, [1990] 2 S.C.R. 151, are infringed.

**Nature de la cause:**

Droit criminel - *Charte canadienne des droits et libertés* - Preuve - Procédure préalable au procès - Droit au silence - La Cour d'appel a-t-elle erré en droit en décidant, à la majorité, que la preuve dérivée du témoignage donné sous contrainte par l'épouse de l'accusé, n'est pas recevable en preuve au procès de cet accusé? - Le juge Nuss, de la majorité, a-t-il erré en droit en déterminant que les dispositions de l'art. 4 de la *Loi sur la preuve au Canada*, L.R.C. 1985 ch. C.5, s'appliquent à une enquête tenue par le commissaire aux incendies et ce, par l'effet de l'art. 25 de la *Loi concernant les enquêtes sur les incendies*, S.R.Q. ch. E-8? - Le fait pour un commissaire aux incendies de contraindre à témoigner une personne soupçonnée d'incendie criminel contrevient-il aux droits fondamentaux de cette personne, tels que prévus à l'art. 7 de la *Charte* et spécialement à son droit au silence, tel que défini dans l'arrêt *R. c. Hébert*, [1990] 2 R.C.S. 151?

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4.12.1998

CORAM: L'Heureux-Dubé, Gonthier, McLachlin, Iacobucci, Major, Bastarache and Binnie JJ.

**Her Majesty the Queen**

James W. Leising and Thomas Beveridge, for the appellant.

**v. (26404)**

**Isaac Monney (Crim.)(Ont.)**

Russell S. Silverstein and David M. Tanovich, for the respondent.

**RESERVED / EN DÉLIBÉRÉ**

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**Nature of the case:**

Criminal law - Narcotics - *Charter of Rights and Freedoms* - Detention - Seizure - Statutes - Interpretation - Whether the majority in the Court of Appeal erred in reaching a different conclusion than the trial judge as to whether the customs officers had reasonable and probable grounds to believe the Respondent had narcotics secreted within his person - Whether s. 98 of the *Customs Act* authorizes the detention and search of persons who have narcotics secreted within their body - What constitutes a “reasonable period of time after...arrival in Canada” within the meaning of s. 98 of the *Customs Act*? - Whether the search conducted was an invasive one of the type described in the third category in *R. v. Simmons* [1988] 2 S.C.R. 495 - Whether either s. 98 of the *Customs Act* or the common law allows for the detention and search based on “reasonable suspicion” - Whether s. 7 or 8 of the *Charter* imposes a constitutional standard requiring that all cases involving the detention of persons believed to have ingested life threatening drugs be conducted under medical supervision - Whether the contraband excreted by a person under detention is properly classified as conscriptive or non conscriptive evidence.

**Nature de la cause:**

Droit criminel - Stupéfiants - *Charte des droits et libertés* - Détention - Saisie - Lois - Interprétation - Les juges majoritaires de la Cour d'appel ont-ils commis une erreur en parvenant à une conclusion différente de celle du juge du procès sur la question de savoir si les agents des douanes avaient des motifs raisonnables de croire que l'intimé dissimulait des stupéfiants dans son corps? - L'art. 98 de la *Loi sur les douanes* autorise-t-il la détention et la fouille d'une personne qui dissimule des stupéfiants dans son corps? - Qu'est-ce qu'un «délai justifiable suivant [l']arrivée» au sens de l'art. 98 de la *Loi sur les douanes*? - La fouille effectuée s'apparentait-elle à la fouille abusive évoquée dans la troisième catégorie décrite dans l'arrêt *R. c. Simmons*, [1988] 2 R.C.S. 495? - La détention et la fouille fondées sur un «soupçon raisonnable» sont-elles autorisées par l'art. 98 de la *Loi sur les douanes* ou par la common law? - L'art. 7 ou 8 de la *Charte* impose-t-il une norme constitutionnelle selon laquelle toutes les personnes détenues parce qu'elles auraient absorbé des drogues constituant un danger de mort doivent faire l'objet d'une fouille sous surveillance médicale? - La contrebande qu'une personne en détention expulse hors de son organisme est-elle ou non une preuve obtenue par mobilisation de cette personne contre elle-même?

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**WEEKLY AGENDA**

**ORDRE DU JOUR DE LA  
SEMAINE**

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**AGENDA for the week beginning December 14, 1998.**

**ORDRE DU JOUR pour la semaine commençant le 14 décembre 1998.**

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Date of Hearing/  
Date d'audition

Case Number and Name/  
Numéro et nom de la cause

The Court is not sitting this week

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La Cour ne siège pas cette semaine

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**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.

**DEADLINES: MOTIONS****DÉLAIS: REQUÊTES**

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**BEFORE THE COURT:**

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

**Motion day** : **January 18, 1999**  
Service : December 28, 1998  
Filing : January 04, 1999  
Respondent : January 11, 1999

**Motion day** : **February 01, 1999**  
Service : January 11, 1999  
Filing : January 18, 1999  
Respondent : January 25, 1999

**Motion day** : **March 01, 1999**  
Service : February 08, 1999  
Filing : February 15, 1999  
Respondent : February 22, 1999

**DÉVANT 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** : **18 janvier 1999**  
Signification : 28 décembre 1998  
Dépôt : 04 janvier 1999  
Intimé : 11 janvier 1999

**Audience du** : **01 février 1999**  
Signification : 11 janvier 1999  
Dépôt : 18 janvier 1999  
Intimé : 25 janvier 1999

**Audience du** : **01 mars 1999**  
Signification : 08 février 1999  
Dépôt : 15 février 1999  
Intimé : 22 février 1999

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## DEADLINES: APPEALS

## DÉLAIS: APPELS

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The Winter Session of the Supreme Court of Canada will commence January 18, 1999.

La session d'hiver de la Cour suprême du Canada commencera le 18 janvier 1999.

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

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:

**Appellant's record; appellant's factum; and appellant's book(s) of authorities** must be filed within four months of the filing of the notice of appeal.

**Le dossier de l'appellant, son mémoire et son recueil de jurisprudence et de doctrine** doivent être déposés dans les quatre mois de l'avis d'appel.

**Respondent's record (if any); respondent's factum; and respondent's book(s) of authorities** must be filed within eight weeks of the date of service of the appellant's factum.

**Le dossier de l'intimé (le cas échéant), son mémoire et son recueil de jurisprudence et de doctrine** doivent être déposés dans les huit semaines suivant la signification de ceux de l'appellant.

**Intervener's factum and intervener's book(s) of authorities**, if any, must be filed within four weeks of the date of service of the respondent's factum, unless otherwise ordered.

**Le mémoire de l'intervenant et son recueil de jurisprudence et de doctrine**, le cas échéant, doivent être déposés dans les quatre semaines suivant la signification de ceux de l'intimé.

**Parties' condensed book**, if required, must be filed on or before the day of hearing of the appeal.

**Le recueil condensé des parties**, le cas échéant, doivent être déposés au plus tard le jour de l'audition de l'appel.

Please consult the Notice to the Profession of October 1997 for further information.

Veillez consulter l'avis aux avocats du mois d'octobre 1997 pour plus de renseignements.

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.

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

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SUPREME COURT OF CANADA SCHEDULE  
CALENDRIER DE LA COUR SUPREME

- 1998 -

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

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

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

- 1999 -

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

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

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

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

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

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

Sittings of the court:  
Séances de la cour:

Motions:  
Requêtes:

Holidays:  
Jours fériés:

M
H

18 sitting weeks / semaines séances de la cour

81 sitting days / journées séances de la cour

9 motion and conference days / journées requêtes, conférences

4 holidays during sitting days / jours fériés durant les sessions