

**SUPREME COURT
OF CANADA**



**COUR SUPRÊME
DU CANADA**

**BULLETIN OF
PROCEEDINGS**

**BULLETIN DES
PROCÉDURES**

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Le Bulletin rassemble les procédures devant la Cour dans la langue du dossier. Quand un arrêt est rendu, on peut se procurer les motifs de jugement en adressant sa demande au registraire, accompagnée de 10 \$ par exemplaire. Le paiement doit être fait à l'ordre du Receveur général du Canada.

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FILING DATE 2.6.1998

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Campbell, Lea, Michael, McConnell & Pigot

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Roger B. Langille, Q.C.

FILING DATE 2.6.1998

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Her Majesty The Queen (Qué.)
Richard Starck
Dept. of Justice

FILING DATE 26.5.1998

Bruce Hahn
Clayton C. Ruby
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James W. Gormley
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FILING DATE 4.6.1998

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Glen C. Lalanne

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Kenneth W.F. Fiske, Q.C.
Attorney General of N.S.

FILING DATE 2.6.1998

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Greenspan Humphrey Lavine

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George Dolhai
Dept. of Justice

FILING DATE 29.5.1998

United Artists Corp.
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FILING DATE 29.5.1998

Alexander Yaari

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Stikeman, Elliott

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Hôtel-Dieu de Saint-Jérôme et al. (Qué.)

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Prévost Auclair Fortin D'Aoust

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Malcolm S. Jeffcock
Nova Scotia Legal Aid

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Her Majesty The Queen et al. (N.S.)

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FILING DATE 25.5.1998

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William O'Malley

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Subs. procureur général

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Dept. of Justice

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The Law Office of Michael R. Giroday

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FILING DATE 15.6.1998

Her Majesty The Queen

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Dept. of Justice

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FILING DATE 15.6.1998

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Martin Lamontagne
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FILING DATE 19.6.1998

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FILING DATE 14.5.1998

Commonwealth Insurance Co.
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Howard White et al.
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Marthe Gagnon

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Merchant Law Group

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FILING DATE 23.6.1998

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Brian Doody

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**Canada (Employment Insurance Commission) et
al. (F.C.A.)**

Carole Bureau
A.G. of Canada

FILING DATE 11.5.1998

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

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

JUNE 8, 1998 / LE 8 JUIN 1998

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

Her Majesty the Queen

v. (26535)

Richard Floyd Oickle (Crim.)(N.S.)

NATURE OF THE CASE

Criminal law - Evidence - Police - Confessions - Polygraph tests - Whether the Court of Appeal erred in ruling the Respondent's inculpatory statements inadmissible - Whether the tactics used by police to extract a confession were improper.

PROCEDURAL HISTORY

February 10, 1997 Provincial Court of Nova Scotia (MacDonald P.C.J.)	Conviction: arson (seven counts)
January 21, 1998 Nova Scotia Court of Appeal (Pugsley, Flinn and Cromwell JJ.A.)	Appeal allowed; convictions set aside and acquittals entered
March 23, 1998 Supreme Court of Canada	Application for leave to appeal filed

Troy Allan Bukmeier

v. (26579)

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

NATURE OF THE CASE

Criminal law - Whether the British Columbia Court of Appeal erred in law in finding that the trial judge correctly instructed the jury that s. 34(2) of the *Criminal Code* was only available to the Applicant if he had intended to cause death or grievous bodily harm.

PROCEDURAL HISTORY

May 16, 1996 Supreme Court of British Columbia (Bouck J.)	Conviction: second degree murder
February 27, 1998 Court of Appeal for British Columbia (McEachern, Hollinrake and Braidwood JJ.A.)	Appeal dismissed

April 9, 1998
Supreme Court of Canada

Application for leave to appeal filed

Werner Naef, Jean-Marc Duval, and Peter Smith

v. (26389)

McLean Brothers Fisheries Inc.

-and-

**Jane Barnett and Canadian Association of Fish Exporters,
Kingsville Fisherman's Company Ltd., Top Coq S.A.,
Walter Herrlich, Omstead Foods Limited (Ont.)**

NATURE OF THE CASE

Torts - Libel and slander - Procedural law - Pre-trial procedure - Pleadings - Application to strike out statement of claim against certain defendants - Chambers judge dismissing defamation action against three defendants - Court of Appeal reversing decision - Whether an individual can be held personally responsible for alleged acts of libel in circumstances where the conduct complained of was performed within the scope of the individual's employment - Whether the reasoning of the Court of Appeal which relieves an employee acting within the scope of his or her employment from personal liability, in the circumstances of the intentional tort of interference with economic relations, can be applied to the circumstances of the alleged intentional tort of libel.

PROCEDURAL HISTORY

January 14, 1997 Ontario Court (General Division) (Daudlin J.)	Applicants' motion to dismiss the action for defamation and conspiracy to defame allowed
October 21, 1997 Court of Appeal for Ontario (McKinlay, Doherty and Abella JJ.A.)	Appeal allowed; judgment set aside; matter to proceed to trial
January 15, 1998 Supreme Court of Canada (L'Heureux-Dubé J.)	Motion for extension of time allowed
February 20, 1998 Supreme Court of Canada	Application for leave to appeal filed

Roland Home Improvements Limited and Shahnaz Dadvand

v. (26528)

National Bank of Canada (Ont.)

NATURE OF THE CASE

Procedural Law - Courts - Jurisdiction - Ontario Court of Appeal has no jurisdiction under *Courts of Justice Act*, R.S.O. 1990, c. C.43, to hear appeals from interlocutory orders granted by Ontario Court (General Division) - Appeals lie to Divisional Court - Whether Court of Appeal properly quashed an appeal because it lacked jurisdiction.

PROCEDURAL HISTORY

June 24, 1997 Ontario Court (General Division) (Manton J.)	Motion to set aside <i>ex parte</i> order to continue and to dismiss action dismissed
January 16, 1998 Court of Appeal for Ontario (Labrosse, Abella and Charron JJ.A.)	Appeal quashed for lack of jurisdiction
March 17, 1998 Supreme Court of Canada	Application for leave to appeal filed

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

Virgil Lee Big Eagle

v. (26553)

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

NATURE OF THE CASE

Canadian Charter - Section 7- Criminal Law - Procedural Law - Evidence - Application to admit as "fresh evidence" evidence that crown witness had recanted his trial testimony - Whether the test for the admission of fresh evidence should be reassessed in light of reform to the hearsay rule.

PROCEDURAL HISTORY

June 13, 1994 Saskatchewan Court of Queen's Bench (Hrabinsky J.)	Crown witness declared adverse; audiotape and transcript of witness's testimony at pre-trial hearing admitted into evidence
June 24, 1994 Saskatchewan Court of Queen's Bench (Hrabinsky J.)	Conviction of second degree murder and sentence to life imprisonment without eligibility for parole for 25 years
December 11, 1997 Court of Appeal for Saskatchewan (Tallis, Gerwing and Sherstobitoff JJ.A.)	Application to adduce fresh evidence dismissed; Appeal dismissed
March 30, 1998 Supreme Court of Canada	Applications for extension of time and for leave to appeal filed

Sandra E. Gernhart

v. (26469)

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

NATURE OF THE CASE

Taxation - Assessment - Whether financial assistance given to the Applicant by her employer to offset the increased income tax burden imposed upon her as a consequence of change in residence from the United States to Canada is income from office or employment under sections 5 and 6 of the *Income Tax Act*, R.S.C. 1985, c. I-1 (5th Supp.).

PROCEDURAL HISTORY

July 26, 1996 Tax Court of Canada (Bonner J.T.C.C.)	Appeal from assessment dismissed
December 11, 1997 Federal Court of Appeal (Isaac C.J., Pratte and Marceau JJ.A.)	Appeal dismissed
December 11, 1997 Federal Court of Appeal (Isaac C.J., Pratte and Marceau JJ.A.)	Application for leave to appeal to the Supreme Court of Canada dismissed
February 6, 1998 Supreme Court of Canada	Application for leave to appeal filed

Ronald Fortin

c. (26552)

Jean Gosselin, Jean-Guy Lévesque et Réjean Germain (C.A.F.)(Qué.)

NATURE DE LA CAUSE

Droit du travail - Relations de travail - Législation - Interprétation - Plainte du demandeur reprochant au syndicat de ne pas avoir traité un grief de harcèlement - Plainte rejetée parce que déposée hors délai - Application des paragraphes 97(1) et (2) du *Code canadien du travail*, L.R.C. (1985), chap. L-2 - Application de l'arrêt *Upper Lake Shipping Ltd.*, [1979] 1 R.C.S. 902, - La Cour d'appel fédérale a-t-elle commis une erreur en rejetant la demande de contrôle judiciaire du demandeur?

HISTORIQUE PROCÉDURAL

Le 21 février 1997 Conseil canadien des relations du travail (Doyon, vice-présidente, FitzGerald et Aronovitch, membres)	Plainte du demandeur pour pratiques déloyales de travail rejetée
Le 25 avril 1997 Conseil canadien des relations du travail (Weatherill, président, Handman et Guilbeault, vice-présidents)	Demande de révision rejetée
Le 6 février 1998 Cour d'appel fédérale (Pratte, Décary et Chevalier [<i>ad hoc</i>] JJ.C.A.)	Demande de contrôle judiciaire rejetée

Le 19 mars 1998
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Mary Robinson and Evelyn Gertrude Robinson, The Trustees of the Percival Samuel Robinson Trust

v. (26513)

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

AND BETWEEN:

Mary Robinson, The Trustee of the Robert Simon Robinson Trust

v. (26513)

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

AND BETWEEN:

Mary Robinson, The Trustee of the Evelyn Gertrude Robinson Trust

v. (26513)

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

AND BETWEEN:

Mary Robinson, The Trustee of the Linda Dale Robinson Trust

v. (26513)

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

NATURE OF THE CASE

Taxation - Assessment - Eligibility of limited partners for graduated tax rates - Limited partner not taking part in the management of the partnership nor the conduct of its business but held to have carried on the partnership's business for the purposes of applying a flat tax rate under paragraph 122(2)(c) of the *Income Tax Act*, R.S.C. 1985, c.1 (5th Supp.) - Whether merely being a limited partner means carrying on partnership business - Whether sections of the *Partnership Act of Manitoba*, R.S.M. 1987, c. P-30, should determine if a limited partner is carrying on the partnership's business for income tax purposes.

PROCEDURAL HISTORY

July 26, 1993
Tax Court of Canada (Beaubier J.)

Four separate appeals from assessments of 1988 taxation years allowed

January 8, 1998
Federal Court of Appeal
(Isaac C.J., Stone and McDonald JJ.A.)

Appeals allowed, all four judgments of Tax Court of Canada set aside, assessments restored

March 9, 1998
Supreme Court of Canada

Application for leave to appeal filed

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

Nicholas Quinn Lapointe

v. (26578)

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

NATURE OF THE CASE

Criminal law - Sentencing - Conditional sentence - Whether the Court of Appeal erred in substituting a sentence of one year actual imprisonment for the conditional sentence imposed - Whether the sentence imposed by the trial judge was clearly unreasonable so as to justify the Court of Appeal in varying the sentence that had been imposed - Whether the Court of Appeal erred in deciding that a conditional sentence was not appropriate in the circumstances of this case.

PROCEDURAL HISTORY

September 23, 1997
Court of Queen's Bench of Alberta (McIntyre J.)

Conviction: sexual assault

February 9, 1998
Court of Appeal of Alberta
(Fraser, Medhurst, Veit JJ.A.)

Appeal dismissed

April 7, 1998
Supreme Court of Canada

Application for leave to appeal filed

**Carpenter Fishing Corporation, Don Johannes, Kaarina Etheridge, White Hope Holdings Ltd.,
Simpson Fishing Co. Ltd. and Norman Johnson**

v. (26484)

**Her Majesty The Queen in Right of Canada and Bernard Valcourt,
Minister of Fisheries and Oceans (F.C.A.)(B.C.)**

AND BETWEEN:

Titan Fishing Ltd.

v. (26484)

**Her Majesty the Queen in Right of Canada and Bernard Valcourt, Minister of Fisheries and Oceans
(F.C.A.)(B.C.)**

NATURE OF THE CASE

Administrative law - Jurisdiction - Judicial review - Imposition of a quota policy for halibut fishing on the west coast of Canada - Formula took into account historical performance of the licence, restricted to its current owner of licence - Applicants contending that a catch history allocation based on the licence itself is more democratic - What criteria determine whether or not a governmental measure is of a policy or legislative nature - What is the standard for judicial review of policy/legislative discretion if there is not absolute immunity from review - Whether or not policy/legislative discretion can be the subject of a legitimate expectation of consultation - Whether an appellate court

may disregard findings of fact in the absence of palpable and overriding error - *Fisheries Act*, R.S.C. 1985, c. F-14.

PROCEDURAL HISTORY

November 14, 1996 Federal Court of Canada (Trial Division) (Campbell J.)	Minister's decision to implement the Current Owner Restriction, and each similar decision, declared unlawful and a nullity
December 23, 1997 Federal Court of Appeal (Pratte, Décary, Linden JJ.A.)	Appeal allowed and the actions dismissed
February 18, 1998 Supreme Court of Canada	Application for leave to appeal filed

**65302 British Columbia Ltd.
(Formerly Veekens Poultry Farms Ltd.)**

v. (26352)

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

NATURE OF THE CASE

Taxation - Assessment - Business tax - Deductions - Whether a levy on chickens kept in excess of the Applicant's quota was deductible - Whether the Court of Appeal correctly asked whether an expense that meets the purpose of s.18(1)(a) of the *Income Tax Act* should none the less be denied as offending a test of morality or public policy.

PROCEDURAL HISTORY

January 31, 1995 Tax Court of Canada (Lamarre J.T.C.C.)	Appeal from the assessments made by the Minister of National Revenue for the 1995, 1988 and 1989 taxation years allowed
November 5, 1997 Federal Court of Appeal (Strayer, Desjardins and McDonald JJ.A.)	Appeal allowed
December 15, 1997 Supreme Court of Canada (Bastarache J.)	Motion for the extension of time allowed
February 2, 1998 Supreme Court of Canada	Application for leave to appeal filed

**MOTIONS FOR RECONSIDERATION -- REHEARING /
DEMANDES DE RÉEXAMEN -- NOUVELLE AUDITION**

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

Wayne B. Carter v. Patricia J. Boardman, et al. (N.B.) 25921

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

Nandu Patel v. Department of National Health and Welfare (F.C.A.)(Ont.) 25997

JUNE 15, 1998 / LE 15 JUIN 1998

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

The Attorney General of Canada

v. (26534)

Wanda Marie Halpert (Crim.)(B.C.)

NATURE OF THE CASE

Criminal Law - Procedural Law - Restraint and Forfeiture of Proceeds of Crime - Whether any forfeiture order relating to restrained proceeds of crime extinguishes the restraint order governing that property - Whether a court has jurisdiction to vary a restraining order with respect to one person's interest in the restrained property after an order has been made forfeiting another person's interest in the property.

PROCEDURAL HISTORY

October 5, 1994 Supreme Court of British Columbia (Collver J.)	Order restraining property
June 27, 1997 Provincial Court of British Columbia (Libby J.)	Order forfeiting interest of Respondent's husband in the restrained property
January 20, 1998 Supreme Court of British Columbia (Dillon J.)	Restraining order varied with respect to Respondent's interest in the property
March 23, 1998 Supreme Court of Canada	Application for leave to appeal filed

D.J.S.

v. (26573)

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

NATURE OF THE CASE

Criminal law - Sexual assault - Oath versus oath - Whether the Court of Appeal erred in holding that the learned trial judge did not explicitly err in applying reasonable doubt to the evidence in the proceeding - Whether the trial judge disregarded the Applicant's evidence.

PROCEDURAL HISTORY

May 9, 1997 Supreme Court of British Columbia (Errico J.)	Conviction: sexual assault
March 9, 1998 Court of Appeal for British Columbia (Southin, Finch and Huddart JJ.A.)	Appeal dismissed
April 8, 1998 Supreme Court of Canada	Application for leave to appeal filed

T.B.K.

v. (26581)

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

NATURE OF THE CASE

Canadian Charter - Criminal - Criminal Law - Whether the right to be presumed innocent is violated by the reverse onus of proof required in s.350(b)(ii) of the *Criminal Code* which stipulates that a person deemed to have broken and entered bears the onus of proving lawful justification or excuse - Whether the stipulation in s. 348(2)(a) of the *Criminal Code* that evidence of break and entry is evidence of break and entry with intent to commit an indictable offence is reasonable within the meaning of s. 1 of the *Charter* - Whether the application of the deeming provision in s.350(b)(ii) and the common-law doctrine of constructive breaking to s. 348(2)(a) is saved by s. 1 of the *Charter*.

PROCEDURAL HISTORY

May 7, 1997 Ontario Youth Court (Kukurin J.)	Conviction of break and enter with intent; sentenced to 12 days open custody and 18 months probation
February 10, 1998 Court of Appeal for Ontario (Labrosse, Doherty and Laskin JJ.A.)	Appeal from conviction dismissed
April 9, 1998 Supreme Court of Canada	Application for leave to appeal filed

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

Jeffrey Aaron Beyer

v. (26437)

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

NATURE OF THE CASE

Criminal Law - Sentencing - Multiple sentences on eight counts of fraud - Sentences to be served in three consecutive groups of terms of imprisonment - On appeal cumulative total of terms of imprisonment reduced from 13.5 years to 9 years - Whether fair hearing denied on appeal - Whether sentences should have been reduced further - Whether cumulative total of 9 years is excessive, cruel and unusual punishment - Whether gambling is an addiction.

PROCEDURAL HISTORY

September 19, 1996
Manitoba Court of Queen's Bench (Morse J.)

Sentenced to consecutive terms of 9, 1.5 and 3 years of imprisonment for convictions on eight counts of fraud

November 25, 1997
Court of Appeal of Manitoba
(Twaddle and Kroft JJ.A., Scott C.J.)

9 year term reduced to 4.5 year term

April 9, 1998
Supreme Court of Canada

Application for leave to appeal filed.

Kathryn Ann Grimsson

v. (26595)

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

NATURE OF THE CASE

Criminal law - Sentencing - Parole - Parole Ineligibility - Fitness of sentence - Whether the sentencing judge erred in considering public opinion in determining the sentence - Whether the trial judge erred in not advising defence counsel prior to imposing sentence that he would not follow the joint submission on parole ineligibility.

PROCEDURAL HISTORY

October 21, 1996
Supreme Court of British Columbia
(Hutchison J.)

Conviction: second degree murder; Sentence: life imprisonment with no eligibility for parole for 15 years

December 17, 1997
British Columbia Court of Appeal
(Lambert [dissenting], Macfarlane, Huddart JJ.A.)

Appeal dismissed

April 17, 1998
Supreme Court of Canada

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

Free World Trust

c. (26406)

Électro Santé inc., Paul Demers, Noël Desjardins (Qué.)

NATURE DE LA CAUSE

Droit des biens - Brevets d'invention - Contrefaçon - Appareil électromagnétique servant à des fins thérapeutiques - Absence de définition de la "contrefaçon" dans la *Loi sur les brevets*, L.R.C., ch. P-4 - Définition de la "contrefaçon" en droit canadien - Méthode d'interprétation utilisée par les tribunaux chargés d'interpréter un brevet d'invention en cas d'allégations de contrefaçon - Critères et champ d'application de la méthode adoptée par la Cour d'appel fédérale dans *O'Hara Manufacturing Ltd. c. Eli Lilly & Co.*, (1990) 26 C.P.R. (3d) 1 - Demanderesse alléguant absence de règles uniformes et cohérentes.

HISTORIQUE PROCÉDURAL

Le 25 août 1993
Cour supérieure du Québec
(Bergeron j.c.s.)

Brevets d'invention de la demanderesse déclarés invalides; action de la demanderesse en injonction et dommages-intérêts pour contrefaçon rejetée

Le 27 octobre 1997
Cour d'appel du Québec
(Rousseau-Houle, Forget et Biron [*ad hoc*] jj.c.a.)

Pourvoi accueilli à la seule fin de déclarer les brevets d'invention valides

Le 22 décembre 1997
Cour suprême du Canada

Demande d'autorisation d'appel déposée

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

Richard Alan Noname

v. (26543)

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

NATURE OF THE CASE

Criminal law - Defence - Self-defence - Charge to the jury - Whether the trial judge erred in law in his instructions to the jury on the defence of self-defence and whether the Court of Appeal erred in law in failing to direct a new trial- Whether the Court of Appeal erred in law in holding that there was no air of reality to the defence of self-defence, that self-defence should not have been before the jury and that any errors in the charge to the jury on self-defence were insufficiently prejudicial to the Applicant to constitute a substantial miscarriage of justice - Whether the trial judge's charge to the jury on attempted murder was erroneous in law, confusing and prejudicial to the Applicant and whether the Court of Appeal erred in law in failing to direct a new trial.

PROCEDURAL HISTORY

December 20, 1996
Court of Queen's Bench of Alberta
(Lefsrud J.)

Conviction: one count of attempted murder, one count of possession of a weapon for the purpose of committing an offence, one count of aggravated assault and one count of assault with a weapon.

January 28, 1998
Court of Appeal of Alberta
(McClung, Côté and Picard JJ.A.)

Appeal dismissed

March 26, 1998
Supreme Court of Canada

Application for leave to appeal filed

Doris Mae Eisenhower

v. (26561)

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

NATURE OF THE CASE

Criminal law - Appeal - Curative proviso - *Criminal Code* s. 686(1)(b)(iii) - Whether the Court of Appeal erred in applying the curative proviso in this case.

PROCEDURAL HISTORY

November 27, 1996
Nova Scotia Supreme Court (Boudreau J.)

Conviction: second degree murder

January 30, 1998
Nova Scotia Court of Appeal
(Freeman, Flinn, Cromwell JJ.A.)

Appeal dismissed

April 8, 1998
Supreme Court of Canada

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

Daryl Bax

v. (26515)

The Workers' Compensation Board (Sask.)

NATURE OF THE CASE

Labour law - Workers' Compensation - Administrative law - Judicial review - Statutes - Legislation - Interpretation - *The Workers' Compensation Act, 1979*, S.S. 1979, c. W-17.1 - Whether the Court of Appeal applied the appropriate standard of review - Whether the Court of Appeal erred in law by concluding that the legislative scheme of the *Act* gave the Board the jurisdiction and discretion to determine the amount of the Applicant's compensation benefits.

PROCEDURAL HISTORY

July 15, 1997
Court of Queen's Bench of Saskatchewan
(Malone J.)

Applicant's application for an order quashing or setting aside the Respondent's decisions and for an order remitting the matter to the Respondent with a direction to reconsider the matter according to the provisions of the *Act* allowed

January 14, 1998
Court of Appeal for Saskatchewan
(Tallis, Cameron and Gerwing JJ.A.)

Appeal allowed; judgment set aside and decision of the Respondent reinstated

March 12, 1998
Supreme Court of Canada

Application for leave to appeal filed

Air Canada

v. (26421)

Ticketnet Corporation (Ont.)

NATURE OF THE CASE

Commercial law - Damages - Contracts - Whether the Court of Appeal erred in not deducting the opportunity cost in assessing the damages - Whether the Court of Appeal erred in not granting a new trial on the issue of damages - Whether trial judge deprived the Applicant of its fundamental right to cross-examine on substantive issues relating to damages - Whether the Court of Appeal ought to have held that it was an error in law fatal to the assessment of damages for lost profits for a new venture such as the Respondent to ignore evidence of similar enterprises carrying on that business in the marketplace.

PROCEDURAL HISTORY

February 10, 1993
Ontario Court (General Division)
(Farley J.)

Action allowed: Applicant liable for damages in the amount of \$11,510,000 for loss of profits or loss of business opportunity and \$10,000 in punitive damages

November 18, 1997
Court of Appeal for Ontario
(McMurtry C.J.O, McKinlay and Laskin JJ.A.)

Appeal on liability dismissed; Appeal against award of damages allowed in part by varying reducing damages to \$10,160,000; Cross-appeal dismissed

January 14, 1998
Supreme Court of Canada

Application for leave to appeal filed

JUNE 22, 1998 / LE 22 JUIN 1998

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

Jean-Marie Roussel

c. (26551)

Sa Majesté la Reine (Crim.)(Qué.)

NATURE DE LA CAUSE

Droit criminel - Procès - Directives au jury - La Cour d'appel a-t-elle erré en déterminant que les directives du juge de première instance étaient suffisantes lorsque lues dans leur ensemble, et ce malgré les contradictions et les lacunes concernant l'évaluation de la preuve et l'application du principe du doute raisonnable contrairement aux arrêts *R. c. Lifchus*, [1997] 3 R.C.S. 320, et *R. c. W(D.)*, [1991] 1 R.C.S. 742? - La Cour d'appel a-t-elle erré en déterminant que la preuve présentée par la Couronne était écrasante et conséquemment que le sous-al. 686(1)b)(iii) du *C.cr.* pouvait trouver son application en dépit du fait que l'erreur reprochée au juge de première instance portait sur la notion de doute raisonnable, notion intimement liée au principe fondamental de la présomption d'innocence?

HISTORIQUE PROCÉDURAL

Le 18 mai 1994
Cour supérieure du Québec (Martin j.c.s.)

Verdict: Coupable de meurtre au premier degré

Le 3 février 1998
Cour d'appel du Québec
(Beauregard, Deschamps et Delisle jj.c.a.)

Appel de la condamnation rejeté

Le 6 avril 1998
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Ian Fergus Hunter

v. (26580)

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

NATURE OF THE CASE

Criminal law - Appointment of counsel - Section 684(1) of the *Criminal Code* - Whether the Court of Appeal erred in dismissing the Applicant's motion.

PROCEDURAL HISTORY

September 25, 1997
Supreme Court of British Columbia
(Drake J.)

Conviction: cultivation of marihuana; possession of marihuana for the purpose of trafficking; possession of a restricted drug

February 17, 1998
British Columbia Court of Appeal (Hall J.A.)

Applicant's motion dismissed

April 17, 1998
Supreme Court of Canada

Application for leave to appeal filed

M.S.

v. (26696)

The National Parole Board and the Deputy Commissioner of Corrections (F.C.A.)(B.C.)

NATURE OF THE CASE

Procedural law - Whether Federal Court of Appeal has inherent jurisdiction to waive filing fees - Right of appeal from order of single judge of Federal Court of Appeal - Whether order refusing production of transcripts is integral part of order sought to be appealed.

PROCEDURAL HISTORY

March 9, 1998
Federal Court of Canada, Trial Division
(Hugessen J.)

Motions dismissed

May 14, 1998
Supreme Court of Canada

Application for leave to appeal filed

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

Patricia A. Burke

v. (26512)

Workers' Compensation Board of Prince Edward Island (P.E.I.)

NATURE OF THE CASE

Labour law - Workers' compensation - Board decision to terminate benefits to nurse claiming to suffer from "Multiple Chemical Sensitivity" as a result of exposure to fumes in the workplace - Conflicting medical opinions - Decision of Board upheld on appeal - Whether appellate court erred in holding that it had no jurisdiction to interfere with Board's findings of fact - Whether appellate court erred in holding that the Board gave the Applicant the benefit of the doubt pursuant to section 12 of the *Workers' Compensation Act*, R.S.P.E.I. 1988, Cap. W-7.

PROCEDURAL HISTORY

May 24, 1995
Workers' Compensation Board
(Jamieson, MacDonald and Howard)

Decision to terminate Applicant's benefits

January 7, 1998
Prince Edward Island Supreme Court - Appeal Division
(Mitchell, Carruthers and McQuaid JJ.A.)

Appeal dismissed

March 9, 1998
Supreme Court of Canada

Application for leave to appeal filed

**Alta Limitée, Argo Construction Inc., Broccolini Construction Inc., Cegerco Constructeur Inc.,
Cetil Inc., Consortium M.R. Canada Ltée, Construction Château St-Marc Inc., Construction Socam Ltée, Les
Constructions Sicor Inc., Divco Limitée, Magil Construction Canada Ltée,
Oméga Canada division de Sogedec Inc., Québéco Inc. et Société Désourdy 1949 Inc.**

c. (26533)

**La Corporation des maîtres mécaniciens en tuyauterie du Québec, la Corporation des maîtres électriciens
du Québec et l'Association de la construction du Québec**

et

L'Association des constructeurs de routes et grands travaux du Québec (Qué.)

NATURE DE LA CAUSE

Droit commercial - Code civil - Contrats - Validité du *Code provincial du Bureau des soumissions déposées du Québec* (ci-après le "Code") - Contrat d'adhésion - Liberté de commerce et liberté contractuelle - La Cour d'appel du Québec a-t-elle erré en droit en concluant que les intimées pouvaient légalement conclure l'entente du 1^{er} septembre 1993 qui promulguait le Code? - La Cour d'appel a-t-elle erré en droit en concluant que le Code ne porte pas illégalement atteinte à la liberté de commerce? - La Cour d'appel a-t-elle erré en droit en concluant que l'article C-2 du Code, en vertu duquel les entrepreneurs généraux doivent adhérer au Code, ne constitue pas un contrat d'adhésion dont les dispositions sont abusives et déraisonnables?

HISTORIQUE PROCÉDURAL

Le 27 juillet 1995
Cour supérieure du Québec (Normand J.C.S.)

Requête des demanderesses en jugement déclaratoire
visant à faire déclarer nul le Code rejetée

Le 22 janvier 1998
Cour d'appel du Québec
(Chouinard, Mailhot et Pidgeon JJ.C.A.)

Appel des demanderesses rejeté

Le 23 mars 1998
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Rodrigue Girard

c. (26559)

Corporation municipale de Saint-Léonard de Portneuf (Qué.)

NATURE DE LA CAUSE

Droit municipal - Municipalités - Infractions au règlement de zonage - Délivrance par l'inspecteur de la municipalité d'un permis de construction au demandeur - Annulation deux jours plus tard du permis de construction par l'inspecteur - Poursuite des travaux de construction - Acquiescement du demandeur des trois infractions au règlement de zonage en Cour municipale - Appel de la municipalité accueillie par le juge Desjardins en Cour supérieure - Demandeur reconnu coupable de deux des trois infractions - Requête du demandeur pour permission d'appel en Cour d'appel rejetée par le juge Otis - Requête subséquente du demandeur en *mandamus* en vue d'obtenir la délivrance d'un permis de construction accordée compte tenu d'une entente entre les parties - Requête de l'intimée en irrecevabilité de la requête du demandeur en évocation de la décision du juge Desjardins du 24 mai 1995 accueillie - Première requête en rétractation de la décision

du juge Desjardins du 24 mai 1995 rejetée - Demande d'autorisation d'appel 25688 à l'encontre de la décision du juge Otis de la Cour d'appel rejetée le 20 mars 1997 - Confirmation par la Cour d'appel de la décision de la Cour supérieure d'accueillir la requête du demandeur en *mandamus* - Seconde requête en rétractation de la décision du juge Desjardins du 24 mai 1995 rejetée - Requête pour permission d'appel relativement à la seconde requête en rétractation rejetée - La Cour d'appel du Québec a-t-elle commis une erreur en rejetant la requête pour permission d'appel?

HISTORIQUE PROCÉDURAL

Le 31 janvier 1995 Cour municipale de Saint-Raymond (Côté J.C.M.)	Demandeur acquitté de trois infractions au règlement de zonage
Le 24 mai 1995 Cour supérieure du Québec (chambre criminelle) (Desjardins J.C.S.)	Appel de l'intimée accueilli
Le 29 juin 1995 Cour d'appel du Québec (Otis J.C.A.)	Requête pour permission d'appel de la décision du juge Desjardins rejetée
Le 19 décembre 1995 Cour supérieure du Québec (Journet J.C.S.)	Requête du demandeur en <i>mandamus</i> pour obtenir la délivrance d'un permis de construction accordée
Le 10 juin 1996 Cour supérieure du Québec (Desmeules J.C.S.)	Requête de l'intimée en irrecevabilité de la requête du demandeur en évocation de la décision du juge Desjardins rendue le 24 mai 1995 accueillie
Le 10 juillet 1996 Cour supérieure du Québec (Beaulieu J.C.S.)	Première requête en rétractation de la décision du juge Desjardins rendue le 24 mai 1995 rejetée
Le 13 septembre 1996 Cour d'appel du Québec (Rousseau-Houle J.C.A.)	Requête pour permission d'appel de la décision de la Cour supérieure rejetant la première requête en rétractation rejetée
Le 20 mars 1997 Cour suprême du Canada (Lamer J.C., L'Heureux-Dubé et Gonthier, JJ.)	Demande de prorogation de délai accordée Demande d'autorisation d'appel à l'encontre de la décision du juge Otis rendue le 29 juin 1995 rejetée
Le 16 avril 1997 Cour d'appel du Québec	Confirmation du jugement rendu par le juge Journet le 19 décembre 1995
Le 22 décembre 1997 Cour supérieure du Québec (Beaulieu J.C.S.)	Seconde requête en rétractation de la décision du juge Desjardins rendue le 24 mai 1995 rejetée
Le 30 décembre 1997 Cour d'appel du Québec (Delisle J.C.A.)	Requête pour permission d'appel relativement à la seconde requête en rétractation rejetée
Le 26 mars 1998 Cour suprême du Canada	Demande d'autorisation d'appel à l'encontre de la décision de la Cour d'appel du 30 décembre 1997 rejetant la seconde requête en rétractation de jugement déposée
Le 15 mai 1998 Cour suprême du Canada (Cory J.)	Requête en prorogation de délai du dépôt de la demande d'autorisation jusqu'au 26 mars 1998 accordée

Claude Deslauriers

c. (26565)

Le Bureau de l'OAGQ, l'Office des professions du Québec

- et -

Le Procureur général du Québec (Qué.)

ENTRE:

Claude Deslauriers

c. (26565)

Roch Labelle, a.g., ès qualité de syndic

- et -

L'Office des professions du Québec (Qué.)

ENTRE:

Claude Deslauriers

c. (26565)

Roch Labelle, a.g., ès qualité de syndic

- et -

L'Office des professions du Québec (Qué.)

NATURE DE LA CAUSE

Procédure - Procédure civile - Appel - Requêtes du demandeur en injonction interlocutoire et pour interdire à Roch Labelle d'exercer la fonction de syndic de l'Ordre des arpenteurs-géomètres rejetées par la Cour supérieure, qui conclut que l'exigence d'indépendance du syndic mentionnée à l'art. 121 du *Code des professions*, L.R.Q., ch. C-26, ne signifie pas que ce dernier doive exercer cette fonction à temps plein - Décision portée en appel par le demandeur - Requêtes des intimés en rejet d'appel alléguant la non-existence du droit d'appel et le caractère abusif et dilatoire de l'appel (art. 501(2) et (5) du *Code de procédure civile*, L.R.Q., ch. C-25) - La Cour d'appel a-t-elle erré en accordant les requêtes en rejet d'appel?

HISTORIQUE PROCÉDURAL

Le 20 octobre 1997
Cour supérieure du Québec
(Croteau j.c.s.)

Requête en injonction interlocutoire contre le Bureau de l'OAGQ et l'Office des professions du Québec rejetée; requête pour interdire à Roch Labelle d'exercer la fonction de syndic rejetée; requête en injonction interlocutoire contre le syndic rejetée

Le 2 février 1998
Cour d'appel du Québec
(Proulx, Forget et Pidgeon jj.c.a.)

Requêtes des intimés visant à faire rejeter l'appel du demandeur accueillies

Le 3 avril 1998
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Claude Deslauriers

c. (26591)

**Bureau de direction de l'Ordre des arpenteurs-géomètres du Québec,
Yvon Chabot, a.-g., en sa qualité de secrétaire-général du Bureau de direction de l'OAGQ,
le Tribunal des professions, l'honorable Jacques Biron, j.c.q.,
l'honorable Paule Lafontaine, j.c.q. et l'honorable André Quesnel, j.c.q. (Qué.)**

NATURE DE LA CAUSE

Procédure - Procédure civile - Appel - Appel du demandeur rejeté par le Tribunal des professions en raison du défaut de produire son mémoire - Requête en révision judiciaire et en *mandamus* rejetée par la Cour supérieure - Requête pour rejet de l'appel du demandeur en raison de son caractère abusif et dilatoire accordée par la Cour d'appel - La Cour supérieure et la Cour d'appel ont-elles erré en laissant intact un jugement du Tribunal des professions qui fait passer la procédure avant le droit?

HISTORIQUE PROCÉDURAL

Le 1er avril 1996
Tribunal des professions
(Biron, Quesnel et Lafontaine jj.c.q.)

Requête pour rejet de l'appel logé par le demandeur contre une décision du Bureau de direction de l'OAGQ prononçant sa radiation en date du 18 août 1995 accueillie

Le 16 octobre 1996
Cour supérieure du Québec
(Lévesque j.c.s.)

Requête en irrecevabilité à l'encontre de la requête du demandeur en révision judiciaire et *mandamus* accueillie, sauf à se pourvoir

Le 26 août 1997
Cour supérieure du Québec (Lévesque j.c.s.)

Seconde requête du demandeur en révision judiciaire et *mandamus* rejetée

Le 16 février 1998
Cour d'appel du Québec
(Rothman, Dussault et Forget jj.c.a.)

Requête en rejet d'appel accueillie; appel du demandeur rejeté

Le 16 avril 1998
Cour suprême du Canada

Demande d'autorisation d'appel déposée

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

Delbert Wallace McCaw

v. (26589)

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

NATURE OF THE CASE

Criminal law - Evidence - *Vetrovec* warning - Corroborative evidence - Evidence of reaction to polygraph testing - Whether the lower courts erred in describing some evidence as capable of corroborating the evidence of two admitted participants in the crime - Whether this evidence was either neutral in its probative value or not independent of the accomplices - Whether the Court of Appeal erred in finding that the trial judge had not caused prejudice to the Applicant by providing too many examples of purportedly corroborative evidence - Whether the Court of Appeal erred in upholding the trial judge's decision not to allow defence counsel to question a witness and suspect on her demeanour during and her reactions to polygraph testing.

PROCEDURAL HISTORY

November 15, 1994
Ontario Court (General Division) (McKinnon J.)

Conviction: first degree murder

February 20, 1998
Court of Appeal for Ontario
(Finlayson, Catzman and Goudge JJ.A.)

Appeal dismissed

April 18, 1998
Supreme Court of Canada

Application for leave to appeal filed

Stanley Livingston, Junior

v. (26609)

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

NATURE OF THE CASE

Criminal Law - Defence - Evidence - Trial - Charge to the jury - Whether trial judge's charge to the jury failed to follow *R. v. Vetrovec*, [1982] 1 S.C.R. 822 - Whether a caution should have applied against accepting evidence of a witness - Whether proof of prior inconsistent statement improperly prevented - Whether *voir dire* should have been held to consider reliability of statements sought to be admitted for the truth of their contents - Whether trial judge fairly presented evidence and theory of defence to jury.

PROCEDURAL HISTORY

December 7, 1995
Court of Queen's Bench of Saskatchewan
(Noble J.)

Convictions of first degree murder and armed robbery;
Sentenced to life imprisonment without eligibility for
parole until 25 years served and 10 years, concurrently

February 19, 1998
Court of Appeal for Saskatchewan
(Vancise, Lane and Sherstobitoff JJ.A.)

Appeal from conviction dismissed

April 20, 1998
Supreme Court of Canada

Application for leave to appeal filed

Town of Port McNeill

v. (26628)

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

NATURE OF THE CASE

Criminal law - Procedural law - Courts - Jurisdiction - Costs - Statutes - Statutory instruments - Interpretation - Whether the cost provisions in the *Offence Act*, R.S.B.C. 1996, c.338, ss.79 and 80 and the *Criminal Code*, ss.809 and 840 should be interpreted to include the jurisdiction for a Summary Conviction Trial Court to award all expenses properly incurred in the defence or prosecution of a complaint where a Justice considers it reasonable to do so.

PROCEDURAL HISTORY

July 14, 1993
Provincial Court of British Columbia (Joe P.C.J.)

Application for costs dismissed

July 5, 1994
Supreme Court of British Columbia (Meredith J.)

Appeal dismissed

March 11, 1998
Court of Appeal for British Columbia
(Goldie [dissenting], Rowles and Huddart JJ.A.)

Appeal dismissed

May 1, 1998
Supreme Court of Canada

Application for leave to appeal filed

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

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

M-Jay Farms Enterprises Ltd., suing on its own behalf and on behalf of all other holders of permit v. Canadian Wheat Board (Man.) 26346

JUNE 25, 1998 / LE 25 JUIN 1998

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

Thomas Bruce Baker

v. (26562)

Monica Frieda Francis (Ont.)

NATURE OF THE CASE

Family law - Divorce - Spousal and child maintenance - Application of Federal Child Support Guidelines - Incomes over \$150,000 - Whether Court of Appeal erred in ordering Applicant to pay Table amount pursuant to ss. 4(a) of the Guidelines - Whether Court of Appeal erred in interpreting meaning of “inappropriate” pursuant to ss. 4(b) of the Guidelines - Lump sum spousal support - Whether Court of Appeal erred in applying the principles set out in *Moge v. Moge*, [1992] 3 S.C.R. 813 in ordering Applicant to pay lump sum of \$500,000 to Respondent.

PROCEDURAL HISTORY

May 22, 1997 Ontario Court of Justice (General Division) (Benotto J.)	Judgment awarding Respondent lump sum spousal support of \$500,000 and child support of \$10,034 per month
March 10, 1998 Court of Appeal for Ontario (Abella, Austin and Charron JJ.A.)	Applicant’s appeal dismissed with costs
May 8, 1998 Supreme Court of Canada	Application for leave to appeal filed

JUNE 29, 1998 / LE 29 JUIN 1998

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

John Carlos Terceira

v. (26546)

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

NATURE OF THE CASE

Criminal law - Evidence - DNA evidence - Burden of proof - Whether the Court of Appeal erred in holding that DNA statistical evidence is admissible in criminal trials - Whether the Court of Appeal erred in failing to hold that forensic laboratories applying a novel scientific technique should be subject to special scrutiny pursuant to *R. v. Mohan* - Whether the Court of Appeal erred in holding that the Crown is not required to prove the reliability of a novel DNA technique beyond a reasonable doubt.

PROCEDURAL HISTORY

February 4, 1993 Ontario Court (General Division) (Campbell J.)	Conviction: first degree murder
February 9, 1998 Court of Appeal for Ontario (Brooke, Finlayson, McKinlay JJ.A.)	Appeal dismissed
March 27, 1998 Supreme Court of Canada	Application for leave to appeal filed

T.G.

v. (26550)

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

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Reverse onus - Whether the Court of Appeal erred in holding that ss. 128 and 130(1) of the *Liquor Control Act*, R.S.N.S. 1989, c. 260 were inapplicable to the prosecution - Whether the Court of Appeal erred in holding that s. 794 of the *Criminal Code* was applicable to the case instead - Whether ss. 128 and 130(1) of the *Liquor Control Act* violate s. 11(d) of the *Charter*.

PROCEDURAL HISTORY

April 22, 1997 Youth Court (Dyer Y.C.J.)	Conviction: illegal possession of liquor
January 28, 1998 Court of Appeal (Chipman, Roscoe, Pugsley JJ.A.)	Appeal dismissed
March 30, 1998 Supreme Court of Canada	Application for leave to appeal filed

Germain Jean Poudrier

v. (26554)

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

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Right to counsel - Whether the Court of Appeal misinterpreted the decisions of the Supreme Court of Canada when it held that upon arrest an individual need not be given information concerning the existence of a toll-free telephone line to access duty counsel - Whether the Court of Appeal erred in only applying requirements of the decision in *R. v. Brydges*, [1990] 1 S.C.R. 190 to the facts of this case - Whether the Court of Appeal erred in not determining if the evidence admitted at trial should have been excluded under s. 24(2) of the *Charter*.

PROCEDURAL HISTORY

October 19, 1995 British Columbia Provincial Court (Collingwood P.C.J.)	Conviction: "over 80"
March 27, 1997 Supreme Court of British Columbia (Bauman J.)	Summary conviction appeal dismissed

March 11, 1998
Court of Appeal for British Columbia
(Lambert, Newbury, Hall JJ.A.)

Appeal dismissed

May 11, 1998
Supreme Court of Canada

Application for leave to appeal filed

Michael Casimir Lagowski

v. (26635)

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

NATURE OF THE CASE

Criminal law - Whether Court of Appeal erred in law in not dealing with two fundamental legal issues raised by the Applicant relating to the complainant's testimony as to what she had been told by police regarding a confession by the Applicant - Whether the trial judge had held that there was an onus on the Applicant to raise a reasonable doubt as to his guilt when he said that Applicant "has not succeeded in raising a reasonable doubt as to his guilt" - Applicability of *R. v. W.D.*, [1991] 1 S.C.R. 742.

PROCEDURAL HISTORY

June 17, 1997
Provincial Court of Manitoba (Minuk P.C.J.)

Summary conviction: sexual assault

October 22, 1997
Court of Queen's Bench (Goodman J.)

Summary conviction appeal dismissed

March 13, 1998
Court of Appeal of Manitoba (Monnin J.A.)

Application for leave to appeal dismissed

May 11, 1998
Supreme Court of Canada

Application for leave to appeal filed

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

Bevis Dean Durack

v. (26660)

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

NATURE OF THE CASE

Canadian Charter - Criminal - Criminal law - Pre-trial procedure - Jurisdiction - Appeal - Abuse of process - Stay of proceedings - Unreasonable delay - Whether the Court of Appeal had supervisory jurisdiction to review the pretrial ruling made in this case - Whether the Court of Appeal erred in concluding that the Crown's use of the stay provision did not constitute an abuse of process - Whether the Court of Appeal erred in law in concluding that the Applicant's right to be tried within a reasonable time was not infringed.

PROCEDURAL HISTORY

August 15, 1997 Court of Queen's Bench for Saskatchewan (Pritchard J.)	Motion for stay dismissed
March 16, 1998 Court of Appeal for Saskatchewan (Tallis, Cameron and Lane JJ.A.)	Appeal dismissed
May 14, 1998 Supreme Court of Canada	Application for leave to appeal filed

Jules Fafard

c. (26585)

Commission de la construction du Québec

et

Procureur général du Québec (Qué.)

NATURE DE LA CAUSE

Charte canadienne des droits et libertés - Droit du travail - Relations de travail - Législation - Interprétation - Industrie de la construction - Compétence constitutionnelle - Liberté d'association - Obligation d'appartenir à une association d'employeurs - Les articles 28, 40 et 41 de la Loi sur les relations de travail, la formation professionnelle et la gestion de la main-d'oeuvre dans l'industrie de la construction, L.R.Q., chap. R- 20, portent-ils atteinte à l'alinéa 3d) de la Charte canadienne et à l'article 3 de la Charte des droits et libertés de la personne, L.R.Q., chap. C-12 - Contestation du demandeur en reprise d'instance rejetée - Requête du demandeur pour permission d'appel rejetée.

HISTORIQUE PROCÉDURAL

Le 15 décembre 1997 Cour du Québec (Pinard, J.C.Q.)	Contestation du demandeur en reprise d'instance rejetée
Le 9 février 1998 Cour d'appel du Québec (Pidgeon J.C.A.)	Requête du demandeur pour permission d'appel rejetée
Le 14 avril 1998 Cour suprême du Canada	Demande d'autorisation d'appel déposée

Pierre Trudel

c. (26544)

Sûreté du Québec

et

**Comité d'appel pour les fonctionnaires non régis par une convention collective
et
Me Jean-Paul Roberge, ès qualité de commissaire, membre du Comité d'appel (Qué.)**

NATURE DE LA CAUSE

Droit du travail - Relations de travail - Législation - Interprétation - Service continu - Conditions pour obtenir la permanence au sein de la fonction publique - L'article 14 de la *Loi sur la fonction publique*, L.R.Q., chap. F-3.1.1, permet-il au demandeur de computer la période de travail effectuée avant son acte de titularisation pour les fins de l'acquisition de sa permanence?

HISTORIQUE PROCÉDURAL

Le 6 mars 1996 Comité d'appel de la fonction publique pour les fonctionnaires non régis par une convention collective (Roberge, président)	Décision: Au moment de sa mise à pied, le demandeur n'avait pas acquis le statut de fonctionnaire permanent
Le 12 juillet 1996 Cour supérieure du Québec (Grenier, J.C.S.)	Requête du demandeur en révision judiciaire accueillie
Le 13 février 1998 Cour d'appel du Québec (Michaud J.C.Q., Deschamps et Forget, J.J.C.A.)	Appel de l'intimée accueillie
Le 27 mars 1998 Cour suprême du Canada	Demande d'autorisation d'appel déposée

Claude Deslauriers

c. (26592)

Roch Labelle, a.-g., es qualité de syndic principal de l'Ordre des arpenteurs-géomètres du Québec, Jean-Charles Legault, a.-g., es qualité de syndic-adjoint de l'Ordre des arpenteurs-géomètres du Québec, le Tribunal des professions et honorable juge Claude Pothier, j.c.q.

- et -

Le comité de discipline de l'Ordre des arpenteurs-géomètres du Québec (Qué.)

NATURE DE LA CAUSE

Droit administratif - Droit des professions - Contrôle judiciaire - Compétence - Législation - Interprétation - La Cour d'appel a-t-elle erré en concluant que l'art. 121 du *Code des professions*, L.R.Q., ch. C-26, n'interdit pas le cumul des fonctions de syndic et d'arpenteur-géomètre? - La Cour d'appel a-t-elle erré en concluant que la décision du Tribunal des professions refusant de suspendre l'exécution d'une ordonnance de radiation provisoire n'était pas susceptible de révision judiciaire? - La Cour d'appel a-t-elle erré en négligeant de se prononcer sur les conséquences du changement d'état de l'intimé Legault et sur la fausseté d'un affidavit produit par les intimés?

HISTORIQUE PROCÉDURAL

Le 27 septembre 1995 Tribunal des professions (Pothier j.c.q.)	Requête en suspension d'exécution de l'ordonnance de radiation provisoire prononcée par le comité de discipline de l'OAGQ le 18 juillet 1995 rejetée
Le 15 novembre 1995 Cour supérieure du Québec (Crépeau j.c.s.)	Requête en révision judiciaire et requête en suspension de l'ordonnance de radiation provisoire accueillies
Le 16 février 1998 Cour d'appel du Québec (LeBel, Fish et Rousseau-Houle jj.c.a.)	Requête en rejet d'appel du demandeur rejetée; pourvoi de Labelle et Legault accueilli
Le 17 avril 1998 Cour suprême du Canada	Demande d'autorisation d'appel déposée

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

James Walter Taylor

v. (25726)

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

NATURE OF THE CASE

Criminal law - Procedure - Whether the Court of Appeal erred in determining that the trial decision should stand even though the Applicant's application for leave to appeal was still pending before the Supreme Court of Canada.

PROCEDURAL HISTORY

January 31, 1994 Provincial Court	Conviction: entering premises where entry prohibited by notice
August 16, 1994 Supreme Court of Nova Scotia	Summary conviction appeal dismissed
June 22, 1995 Nova Scotia Court of Appeal (Hallett, Pugsley, Bateman JJ.A.)	Appeal allowed; new trial ordered
December 7, 1995 Provincial Court (Archibald P.C.J.)	Stay of proceedings
March 26, 1996 Supreme Court of Nova Scotia (Scanlan J.)	Summary conviction appeal allowed; new trial ordered
November 8, 1996 Nova Scotia Court of Appeal	Appeal dismissed; matter remitted to Provincial Court

June 19, 1997 Supreme Court of Canada (La Forest, Gonthier, Major JJ.A.)	Application for leave to appeal dismissed (25726)
June 27, 1997 Provincial Court (Prince P.C.J.)	Conviction: entering premises where entry prohibited by notice
September 25, 1997 Supreme Court of Canada (La Forest, Gonthier, Major JJ.A.)	Motion for reconsideration dismissed
October 9, 1997 Supreme Court of Nova Scotia (Stewart J.)	Summary conviction appeal dismissed
February 5, 1998 Nova Scotia Court of Appeal (Bateman, Jones, Hallett JJ.A.)	Application for leave to appeal dismissed
March 31, 1998 Supreme Court of Canada	Application for leave to appeal filed

Ronald Reid Perley

v. (26599)

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

NATURE OF THE CASE

Criminal law - Procedural law - Defence - Whether there was a miscarriage of justice at trial because of the incompetence of counsel for the Applicant.

PROCEDURAL HISTORY

July 19, 1995 Court of Queen's Bench of New Brunswick (Clendening J.)	Conviction: sexual assault
November 8, 1996 Court of Appeal of New Brunswick (Hoyt C.J.N.B., Ayles and Turnbull JJ.A.)	Appeal dismissed
April 21, 1998 Supreme Court of Canada	Application for leave to appeal and motion to extend time filed

Roger Lawrence

v. (26610)

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

NATURE OF THE CASE

Criminal law - Evidence - Fresh Evidence - Charge to the jury - Whether the trial judge misstated the evidence - Jurisdiction - Apprehension of Bias - Whether the Court of Appeal erred in declining to exercise jurisdiction to reopen the appeal - Whether the trial judge erred in the charge to the jury on conspiracy.

PROCEDURAL HISTORY

October 5, 1993 Supreme Court of British Columbia (Wong J.)	Convictions: five counts of fraud and two counts of possession of proceeds obtained by the commission of an indictable offence
January 29, 1996 British Columbia Court of Appeal (McEachern C.J., Wood and Ryan JJ.A.)	Applicant's appeal dismissed
January 29, 1996 British Columbia Court of Appeal (McEachern C.J., Wood and Ryan JJ.A.)	Addendum to reasons for judgment
February 26, 1998 British Columbia Court of Appeal (Southin J.A.)	Applicant's application dismissed
April 24, 1998 Supreme Court of Canada	Application for leave to appeal and other ancillary motions filed

Ndem Belende Kouldjim

v. (26511)

University of Ottawa, Dr. Marcel Hamelin, Dr. Denis Carrier, Dr. Michel Saint-Germain, Mr. Victor Lapointe, Mr. Pierre-Yves Boucher, Mr. Marcel O. Lalonde, Ms. Lise Dufour-Boivin & L'A.E.F.O. (Ont.)

NATURE OF THE CASE

Administrative law - Colleges & Universities - Human Rights - Discrimination - Torts - Procedural law - Civil Procedure - Pre-trial procedure - Whether the lower courts disposed of the case properly?

PROCEDURAL HISTORY

July 31, 1997 Ontario Court of Justice (General Division) (Beaulieu J.)	Respondents' motions in part allowed; Applicant's motion dismissed
January 12, 1998 Ontario Court of Appeal (Labrosse, Charron JJ.A., Sharpe (ad hoc))	Applicant's appeal dismissed
March 9, 1998 Supreme Court of Canada	Application for leave to appeal and request for an oral hearing filed

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

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

Eddie McDowall v. Tamara Terry-Anne Showdra et al. (Ont.)(26127)

3.6.1998

Before / Devant: IACOBUCCI J.

Motion for leave to intervene

BY/PAR: Child Solicitor

IN/DANS: Minister of Health and Community
Services

v. (26321)

M.L. et al. (N.B.)

Requête en autorisation d'intervention

With the consent of the parties.

GRANTED / ACCORDÉE

1. The application for an extension of time and for leave to intervene is granted;
 2. The applicant be entitled to serve and file a factum not to exceed 20 pages in length to be filed no later than June 9, 1998 and to have time for oral argument not to exceed 15 minutes.
-

3.6.1998

Before / Devant: IACOBUCCI J.

Motion for leave to intervene

BY/PAR: United Native Nations Society

IN/DANS: Batchewana Indian Band et al.

v. (25708)

John Corbiere et al. (Ont.)

Requête en autorisation d'intervention

Opposed.

GRANTED / ACCORDÉE

1. The application for an extension of time and leave to intervene is granted on the issues that are the focus of this appeal;
 2. The applicant be entitled to serve and file a factum not to exceed 20 pages in length and to have time for oral argument not to exceed 15 minutes.
-

4.6.1998

Before / Devant: IACOBUCCI J.

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

Requête en prorogation du délai pour déposer la demande d'autorisation d'appel

T.B.K.

With the consent of the parties.

v. (26581)

Her Majesty The Queen (Ont.)

GRANTED / ACCORDÉE Time extended to April 9, 1998.

5.6.1998

Before / Devant: THE REGISTRAR

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

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

BY/PAR: A.G. of Canada

With the consent of the parties.

IN/DANS: Travis Orlowski

v. (25751)

Director, Forensic Psychiatric
Institute et al. (B.C.)

and

Gordon Wayne Bese

v. (25855)

Director, Forensic Psychiatric
Institute et al. (B.C.)

and

Joseph Ronald Winko

v. (25856)

Director, Forensic Psychiatric
Institute et al. (B.C.)

GRANTED / ACCORDÉE Time extended to May 29, 1998.

5.6.1998

Before / Devant: LE REGISTRAIRE

Requête pour permission de déposer un mémoire sur une demande d'autorisation de plus de 20 pages

Motion to file a memorandum of argument on leave to appeal of over 20 pages

Marie-France Leroux

c. (26650)

Centre Hospitalier Ste-Jeanne D'Arc et al. (Qué.)

ACCORDÉE / GRANTED Permission de déposer un mémoire de 31 pages.

5.6.1998

Before / Devant: THE REGISTRAR

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

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

T. G.

With the consent of the parties.

v. (26550)

Her Majesty The Queen (N.S.)

GRANTED / ACCORDÉE Time extended to May 27, 1998.

8.6.1998

Before / Devant: CORY J.

Hearing of miscellaneous motions

Audience sur autres requêtes

James G. Stuart et al.

With the consent of the parties.

v. (25964)

Ernst & Young (B.C.)

GRANTED / ACCORDÉE

Upon the consent of the parties, an Order will go holding this application for leave to appeal in abeyance for 14 days from the 7 June 1998.

In the absence of further request for a delay by the parties, the application will be dealt with at that time.

8.6.1998

Before / Devant: MAJOR J.

Motion to extend the time in which to serve and file an application for leave to appeal**Requête en prorogation du délai de signification et de dépôt de la demande d'autorisation**

Robert Proudfoot Hess

Opposed.

v. (26304)

Fair-Day Investments Ltd. (Ont.)

GRANTED / ACCORDÉE IT IS HEREBY ORDERED THAT the application for an extension of time to serve and file an application for leave to appeal is granted *nunc pro tunc* to June 5, 1998.

11.6.1998

Before / Devant: THE REGISTRAR

Motion to extend the time in which to file an intervener's factum**Requête en prorogation du délai imparti pour déposer le mémoire d'un intervenant**

BY/PAR: A.G. for Ontario

With the consent of the parties.

IN/DANS: Travis Orlowski

v. (25751)

Director, Forensic Psychiatric
Institute et al. (B.C.)

and

Gordon Wayne Bese

v. (25855)

Director, Forensic Psychiatric
Institute et al. (B.C.)

and

Joseph Ronald Winko

v. (25856)

Director, Forensic Psychiatric
Institute et al. (B.C.)**GRANTED / ACCORDÉE** Time extended to May 22, 1998.

11.6.1998

Before / Devant: CHIEF JUSTICE LAMER

Motion to state a constitutional question

BY/PAR: The appellant

L.C.

v. (26358)

Brian Joseph Mills et al. (Crim.)(Alta.)

GRANTED / ACCORDÉE

1. Do ss. 278.1 to 278.91 of the *Criminal Code*, R.S.C., 1985, c. C-46 infringe s. 7 of the *Charter of Rights and Freedoms*?

2. If so, is the infringement demonstrably justified in a free and democratic society?

3. Do ss. 278.1 to 278.91 of the *Criminal Code*, R.S.C., 1985, c. C-46 infringe s. 11(d) of the *Charter of Rights and Freedoms*?

4. If so, is the infringement demonstrably justified in a free and democratic society?

Notices of intention to intervene are to be filed no later than July 17, 1998.

11.6.1998

Before / Devant: THE CHIEF JUSTICE

Motion for additional time to present oral argument

BY/PAR: A.G. of Canada

Denis Lucien Lepage

v. (26320)

Her Majesty The Queen et al. (Ont.)

and

Travis Orlowski

v. (25751)

Director, Forensic Psychiatric Institute et al. (B.C.)

Requête pour énoncer une question constitutionnelle

Mary A. Marshall for the appellant (Edmonton).

Dennis Edney, for the respondent (Edmonton).

Consent filed by the A.G. of Alberta to the proposed questions by the appellant.

1. Les articles 278.1 à 278.91 du *Code criminel*, L.R.C. (1985), ch. C-46, portent-ils atteinte à l'art. 7 de la *Charte canadienne des droits et libertés*?

2. Si oui, s'agit-il d'une atteinte dont la justification est démontrable dans le cadre d'une société libre et démocratique?

3. Les articles 278.1 à 278.91 du *Code criminel*, L.R.C. (1985), ch. C-46, portent-ils atteinte à l'art. 11d) de la *Charte canadienne des droits et libertés*?

4. Si oui, s'agit-il d'une atteinte dont la justification est démontrable dans le cadre d'une société libre et démocratique?

Requête en prorogation du temps accordé pour la plaidoirie

and

Gordon Wayne Bese

v. (25855)

Director, Forensic Psychiatric Institute et al. (B.C.)

and

Joseph Ronald Winko

v. (25856)

Director, Forensic Psychiatric Institute et al. (B.C.)

GRANTED / ACCORDÉE The application on behalf of the intervener Attorney General of Canada for an order permitting 30 minutes for oral argument and for two counsels to address the Court is granted.

15.6.1998

Before / Devant: THE REGISTRAR

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

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

BY/PAR: A.G. of Québec

IN/DANS: Travis Orłowski

v. (25751)

Director, Forensic Psychiatric
Institute et al. (B.C.)

and

Gordon Wayne Bese

v. (25855)

Director, Forensic Psychiatric
Institute et al. (B.C.)

and

Joseph Ronald Winko

v. (25856)

Director, Forensic Psychiatric
Institute et al. (B.C.)

GRANTED / ACCORDÉE Time extended to June 1, 1998.

16.6.1998

Before / Devant: THE REGISTRAR

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

BY/PAR: A.G. of Canada

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

Deltonia R. Cook

v. (25852)

Her Majesty The Queen (B.C.)

GRANTED / ACCORDÉE Time extended to June 11, 1998.

16.6.1998

Before / Devant: MAJOR J.

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

Her Majesty The Queen in Right of Newfoundland et al.

v. (26362)

Andrew Wells (Nfld.)

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

With the consent of the parties.

GRANTED / ACCORDÉE Time extended to June 10, 1998.

17.6.1998

Before / Devant: THE REGISTRAR

Motion for substitutional service

Ndem Belende Kouldjim

v. (26511)

University of Ottawa et al. (Ont.)

Requête en substitution de signification

GRANTED / ACCORDÉE

1. It is ordered that delivery by courier of the response of the respondents Lalonde and AEFO to the attention of Ndem Belende Kouldjim, 1468 Victoria Park, Office 110, Toronto, Ontario, M4A 2M2 on or near May 5, 1998 shall be good and sufficient service of the response.

2. It is ordered that delivery by courier of the Notice of motion and affidavit of Anne Marshall in support to the attention of Ndem Belende Kouldjim, 1468 Victoria Park, Office 110, Toronto, Ontario, M4A 2M2 on or near May 5, 1998 shall be good and sufficient service of the Notice of Motion and affidavit.

17.6.1998

Before / Devant: THE REGISTRAR

Motion to extend the time in which to file a response

Requête en prorogation du délai imparti pour déposer une réponse

Ndem Belende Kouldjim

v. (26511)

University of Ottawa et al. (Ont.)

GRANTED / ACCORDÉE Time extended to May 4, 1998.

18.6.1998

Before / Devant: L'HEUREUX-DUBÉ J.

Motion to add parties

Requête en jonction de parties

L.C.

v. (26358)

Brian Joseph Mills (Alta.)

GRANTED / ACCORDÉE The motion for an order adding the Attorney General of Alberta as a party appellant is granted.

19.6.1998

Before / Devant: MAJOR J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Women's Legal Education and Action Fund;
Disabled Women's Network Canada;
and The Sexual Assault Centre of Edmonton

IN/DANS: Her Majesty The Queen

v. (26493)

Steven Brian Ewanchuk (Alta.)

GRANTED / ACCORDÉE

(1) the application for an extension of time and for leave to intervene by the applicants Women’s Legal Education and Action Fund (LEAF) and the Disabled Women’s Network Canada (DAWN) is granted; the applicants shall be entitled to file and serve a joint factum not to exceed 20 pages and to present joint oral argument limited to 15 minutes.

(2) the application for an extension of time and for leave to intervene by the applicant The Sexual Assault Centre of Edmonton is granted; the applicant shall be entitled to file and serve a factum not to exceed 20 pages and to present oral argument limited to 15 minutes.

22.6.1998

Before / Devant: THE REGISTRAR

Motion to file a factum on appeal over 40 pages

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

Donald Marshall Jr.

v. (26014)

Her Majesty The Queen (N.S.)

GRANTED / ACCORDÉE

The motion for an order extending the time to serve and file the respondent’s factum, record and book of authorities to June 11, 1998, and for an order permitting the filing of a 43 page factum is granted.

22.6.1998

Before / Devant: THE REGISTRAR

Motion to extend the time in which to file the appellant’s book of authorities

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

John Lauda

With the consent of the parties.

v. (26444)

Her Majesty The Queen (Ont.)

GRANTED / ACCORDÉE Time extended to June 8, 1998.

22.6.1998

Before / Devant: MAJOR J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Canadian Labour Congress;
Coalition of B.C. Businesses

IN/DANS: United Food and Commercial
Workers, Local 1518

v. (26209)

Kmart Canada Ltd. et al. (B.C.)

GRANTED / ACCORDÉE

(1) the application for leave to intervene by the applicant Canadian Labour Congress is granted; the applicant shall be entitled to serve and file a factum not to exceed 20 pages and to present oral argument limited to 15 minutes. The respondent Kmart has the right to file a 10 page written reply to the intervener. The respondent and the intervener have the right to make representation as to costs.

(2) the application for an extension of time and leave to intervene by the applicant Coalition of B.C. Businesses is granted; the applicant shall be entitled to serve and file a factum not to exceed 20 pages and to present oral argument limited to 15 minutes.

22.6.1998

Before / Devant: MAJOR J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Canadian Labour Congress;

IN/DANS: United Food and Commercial
Workers International Union, Local
1228P

v. (26203)

Allsco Building Products Ltd. (N.B.)

GRANTED / ACCORDÉE

The application for an extension of time and for leave to intervene is granted; the applicant shall be entitled to serve and file a factum not to exceed 20 pages and to present oral argument not to exceed 15 minutes. The respondent has the right to file a 10 page written reply to the intervener. The respondent and intervener have the right to make representation on costs.

23.6.1998

Before / Devant: MAJOR J.

Motion for a stay of execution

Requête en vue de surseoir à l'exécution

Thomas Bruce Baker

Opposed.

v. (26562)

Monica Frieda Francis (Ont.)

GRANTED / ACCORDÉE

IT IS HEREBY ORDERED that the stay granted by order of the Court of Appeal for Ontario dated March 10, 1998 shall continue on the following conditions:

- (1) That the applicant continue to pay maintenance for the children of the marriage in the amount of \$10,034 per month.
- (2) That the applicant pay to the solicitors for the respondent, in trust, the sum of \$500,000, forthwith, to be deposited into an interest bearing account pending disposition of the application for leave to appeal, and if granted, disposition of the appeal.
- (3) That costs of this motion are in the cause.

23.6.1998

Before / Devant: THE REGISTRAR

Motion to file a reply of over 5 pages

Requête pour permission de déposer une réplique de plus de 5 pages

Edwin K. Lewis

Opposed.

v. (26603)

Her Majesty The Queen (P.E.I.)

DISMISSED / REJETÉE

The application to file an 8 page reply is denied. The application for an extension of time to file an amended reply is granted, reply to be filed by July 6, 1998.

24.6.1998

Before / Devant: McLACHLIN J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Wunnumin Lake First Nation

IN/DANS: Childrens' Foundation

v. (26013)

Patrick Allen Bazley (B.C.)

GRANTED / ACCORDÉE The application for intervention is granted; the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length and to present oral argument not to exceed 15 minutes.

24.6.1998

Before / Devant: McLACHLIN J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Wunnumin Lake First Nation

IN/DANS: Gail Taylor-Jacobi et al.

v. (26041)

Boys' and Girls' Club of Vernon
(B.C.)

GRANTED / ACCORDÉE The application for intervention is granted; the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length and to present oral argument not to exceed 15 minutes.

25.6.1998

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

Stefan Hadrian Comsa

v. (26700)

Her Majesty The Queen (Alta.)

GRANTED / ACCORDÉE Time extended to June 18, 1998.

26.6.1998

Before / Devant: MAJOR J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Alberta Association of Sexual Assault Centres;
Sexual Assault Centre of Edmonton;
L'Association québécoise des avocats et avocates de la défense;
Women's Legal Education and Action Fund (LEAF);
Criminal Lawyers' Association (Ontario);
Canadian Mental Health Association;
Child and Adolescent Services Association;
Canadian Council of Criminal Defence Lawyers

IN/DANS: L.C.

v. (26358)

Brian Joseph Mills (Alta.)

GRANTED / ACCORDÉE

IT IS HEREBY ordered that:

- (1) The motion for leave to intervene of the applicant Alberta Association of Sexual Assault Centre is granted. Leave is granted to serve and file a factum not to exceed 20 pages and to present oral argument limited to 15 minutes.
- (2) The motion for leave to intervene of the applicant Canadian Council of Criminal Defence Lawyers is granted. Leave is granted to serve and file a factum not to exceed 20 pages and to present oral argument limited to 15 minutes.
- (3) The motion for leave to intervene of the applicant Association Québécoise des Avocats et Avocates de la Défense is granted. Leave is granted to serve and file a factum not to exceed 20 pages and to present oral argument limited to 15 minutes.
- (4) The motion for leave to intervene of the applicant Women's Legal Education and Action Fund (LEAF) is granted. Leave is granted to serve and file a factum not to exceed 20 pages and to present oral argument limited to 15 minutes.
- (5) The motion for leave to intervene of the applicant Child and Adolescent Services Association (CASA) is granted. Leave is granted to serve and file a factum not to exceed 20 pages and to present oral argument limited to 15 minutes.
- (6) The motion for leave to intervene of the applicant Canadian Mental Health Association (CMHA) is granted. Leave is granted to serve and file a factum not to exceed 20 pages and to present oral argument limited to 15 minutes.

- (7) The motion for leave to intervene of the applicant Sexual Assault Centre of Edmonton is granted. Leave is granted to serve and file a factum not to exceed 20 pages and to present oral argument limited to 15 minutes.
- (8) The motion for leave to intervene of the applicant Criminal Lawyers' Association (Ontario) is granted. Leave is granted to serve and file a factum not to exceed 20 pages and to present oral argument limited to 15 minutes.

29.6.1998

Before / Devant: CHIEF JUSTICE LAMER

Motion to state a constitutional question

Requête pour énoncer une question constitutionnelle

United Food and Commercial Workers International Union, Local 1288P

v. (26203)

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

GRANTED / ACCORDÉE

1. Does section 104(2) of the *Industrial Relations Act*, R.S.N.B. 1973, c. I-4 limit freedom of expression as guaranteed by s. 2(b) of the *Canadian Charter of Rights and Freedoms* to the extent that it prohibits union members from distributing leaflets elsewhere than at the employer's place of business in the context of a labour dispute?

1. Le paragraphe 104(2) de la *Loi sur les relations industrielles*, L.R.N.-B. 1973, ch. I-4, restreint-il la liberté d'expression garantie par l'al. 2b) de la *Charte canadienne des droits et libertés*, dans la mesure où il interdit aux syndiqués de distribuer des tracts ailleurs que dans le lieu d'affaires de l'employeur dans le cadre d'un conflit de travail?

2. If the answer to Question 1 is yes, is the limit reasonable and demonstrably justified under s. 1 of the *Charter*?

2. En cas de réponse affirmative à la première question, s'agit-il d'une restriction raisonnable dont la justification peut se démontrer au sens de l'article premier de la *Charte*?

Notices of intention to intervene are to be filed no later than August 7, 1998.

29.6.1998

Before / Devant: CHIEF JUSTICE LAMER

Motion to state a constitutional question

Requête pour énoncer une question constitutionnelle

United Food and Commercial Workers, Local 1518

v. (26209)

Kmart Canada Ltd. et al. (B.C.)

GRANTED / ACCORDÉE

1. Do sections 1 (definition of “picket” or “picketing”), 65 and 67 of the *Labour Relations Code*, S.B.C. 1992, c. 82 limit freedom of expression as guaranteed by s. 2(b) of the *Canadian Charter of Rights and Freedoms* to the extent that they prohibit union members from distributing leaflets at secondary sites of the employer in the context of a labour dispute?

2. If the answer to Question 1 is yes, is the limit reasonable and demonstrably justified under s. 1 of the *Charter*?

1. Les articles 1 (définition de «*picket*» («piquet de grève») ou «*picketing*» («piquetage»)), 65 et 67 du *Labour Relations Code*, S.B.C. 1992, ch. 82, restreignent-ils la liberté d’expression garantie par l’al. 2b) de la *Charte canadienne des droits et libertés*, dans la mesure où ils interdisent aux syndiqués de distribuer des tracts dans les lieux de travail secondaires de l’employeur dans le cadre d’un conflit de travail?

2. En cas de réponse affirmative à la première question, s’agit-il d’une restriction raisonnable dont la justification peut se démontrer au sens de l’article premier de la *Charte*?

Notices of intention to intervene are to be filed no later than August 7, 1998.

30.6.1998

Before / Devant: MAJOR J.

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

Requête en prorogation du délai imparti pour déposer un avis d’appel

Kok Leong Liew

v. (26676)

Her Majesty The Queen (Alta.)

GRANTED / ACCORDÉE Time extended to May 29, 1998, *nunc pro tunc*.

**NOTICE OF APPEAL FILED SINCE
LAST ISSUE**

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

4.6.1998

Richter & Associés Inc.

c. (26272)

Le sous-ministre du Revenu du Québec et al.

et entre

**Tremblay & Compagnie Syndics et Gestionnaires
Ltée**

c. (26272)

**Le sous-ministre du Revenu du Québec et al.
(Qué.)**

17.6.1998

Andrew Scott Darrach

v. (26564)

Her Majesty The Queen (Ont.)

17.6.1998

Her Majesty The Queen

v. (26377)

R.A.R. (Man.)

17.6.1998

Her Majesty The Queen

v. (26376)

Jeromie Keith D. Proulx (Man.)

17.6.1998

Her Majesty The Queen

v. (26339)

Thomas Andrew Bunn (Man.)

10.6.1998

**Her Majesty The Queen in right of
Newfoundland et al.**

v. (26362)

Andrew Wells (Nfld.)

23.6.1998

N.H. and D.H.

v. (26555)

**H.M., M.H. and The Director of Child, Family
and Community Services (B.C.)**

**NOTICES OF INTERVENTION FILED
SINCE LAST ISSUE**

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

BY/PAR: Attorney General of Ontario

IN/DANS: **L.C.**

v. (26358)

Brian Joseph Mills et al. (Alta.)

BY/PAR: Attorney General of Canada
Attorney General of Manitoba
Attorney General of Alberta
Procureur général du Québec

IN/DANS: **Her Majesty The Queen**

v. (26161)

John Sundown (Sask.)

BY/PAR: Attorney General of Alberta
Attorney General for Ontario

IN/DANS: **Her Majesty The Queen in right of Canada et al.**

v. (26174)

Angelo Del Zotto et al. (F.C.A.)

**NOTICE OF DISCONTINUANCE
FILED SINCE LAST ISSUE**

**AVIS DE DÉSISTEMENT DÉPOSÉS
DEPUIS LA DERNIÈRE PARUTION**

29.6.1998

Yvan Deblois

c. (26604)

Michel Tremblay (Qué.)

(demande d'autorisation)

DEADLINES: APPEALS

DÉLAIS: APPELS

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:

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.

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.

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.

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

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

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.

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

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'appelant.

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.

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

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

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.

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