

**SUPREME COURT
OF CANADA**



**COUR SUPRÊME
DU CANADA**

**BULLETIN OF
PROCEEDINGS**

**BULLETIN DES
PROCÉDURES**

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**APPLICATIONS FOR LEAVE TO
APPEAL FILED**

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

Her Majesty The Queen

Beverly A. Brown
A.G. for Ontario

v. (26600)

Donald Alexander Elliott (Ont.)

Gregory Lafontaine
Gregory Lafontaine and Associate

FILING DATE 24.4.1998

Yvan Deblois

Pierre Le Gallais
Joli-Coeur Lacasse Lemieux Simard St-
Pierre

c. (26604)

Michel Tremblay (Qué.)

Normand Gosselin
Gosselin, Ouellet, Grondin, Houle

DATE DE PRODUCTION 17.4.1998

MAY 4, 1998 / LE 4 MAI 1998

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

Gordon Wardell Washington, Gordon Thompson and Curtis Davis

v. (26366)

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

NATURE OF THE CASE

Criminal law - Evidence - Disclosure - Whether the Court of Appeal erred in holding that the trial judge properly denied the Applicants' request for disclosure of the notes of police officers who were subaffiants in the affidavit supporting an authorization to intercept private communications - Whether the Court of Appeal erred in holding that the trial judge properly denied the Applicant's request to cross-examine the affiant and certain of the sub-affiants as part of an application challenging the admissibility of evidence obtained pursuant to authorization to intercept private communications.

PROCEDURAL HISTORY

May 31, 1994
Ontario Court (General Division) (Gotlib J.)

Motion for the disclosure allowed in part: Crown to make disclosure under par. 19(a), (f), (t), (u), (w), (y), (z) and (bb) of affidavit

July 5, 1994
Ontario Court (General Division) (Gotlib J.)

Conviction: Trafficking narcotics: Washington (5 counts), Thompson (2 counts), and Davis (4 counts)

October 10, 1997
Court of Appeal for Ontario
(McMurtry C.J.O., Abella J.A., and Borins J. [*ad hoc*])

Appeal dismissed

January 26, 1998
Supreme Court of Canada

Application for leave to appeal filed

Her Majesty the Queen

v. (26329)

L.F.W. (Crim.)(Nfld.)

NATURE OF THE CASE

Criminal law - Sentencing - Conditional sentence - Whether the imposition of the conditional sentence option has resulted in a mandatory policy direction from Parliament to the judiciary to adopt a new sentencing approach for all offences carrying sentences of less than two years - Whether the courts have jurisdiction to restrict the application of conditional sentences to certain types of offences in accordance with the primacy of certain principles of sentence.

PROCEDURAL HISTORY

October 7, 1996 Supreme Court of Newfoundland (Trial Division) (Mercer J.)	Conviction: indecent assault, gross indecency
December 16, 1996 Supreme Court of Newfoundland (Trial Division) (Mercer J.)	Sentence: 21 months imprisonment to be served in the community
September 22, 1997 Supreme Court of Newfoundland (Court of Appeal) (Marshall, Cameron [dissenting] , Green JJ.A.)	Sentence appeal dismissed
November 19, 1997 Supreme Court of Canada	Application for leave to appeal filed

Her Majesty the Queen

v. (26339)

Thomas Andrew Bunn (Crim.)(Man.)

NATURE OF THE CASE

Criminal law - Sentencing - Conditional sentence - Whether the Court of Appeal erred in interpreting the conditional sentencing provisions in conflict with other courts of appeal - Whether the Court of Appeal erred in failing to consider the principles of sentencing in imposing a conditional sentence on the Respondent - Whether the Court of Appeal erred in its interpretation of the phrase “endanger the safety of the community”.

PROCEDURAL HISTORY

December 20, 1995 Court of Queen’s Bench (Scollin J.)	Conviction: breach of trust (six counts)
February 5, 1996 Court of Queen’s Bench (Scollin J.)	Sentence: two years imprisonment
October 27, 1997 Court of Appeal of Manitoba (Philp, Helper, Kroft JJ.A.)	Sentence appeal allowed; sentence reduced to two years less a day to be served in the community
December 16, 1997 Supreme Court of Canada	Application for leave to appeal filed

Her Majesty the Queen

v. (26376)

Jeromie Keith D. Proulx (Crim.)(Man.)

NATURE OF THE CASE

Criminal law - Sentencing - Conditional sentence - Whether the Court of Appeal erred in interpreting the conditional sentencing provisions in conflict with other courts of appeal - Whether the Court of Appeal erred in failing to consider the fundamental principle and all other principles of sentencing in imposing a conditional sentence on the Respondent - Whether the Court of Appeal erred in its interpretation of the phrase “endanger the safety of the community”.

PROCEDURAL HISTORY

June 2, 1997 Court of Queen’s Bench (Keyser J.)	Conviction: dangerous driving causing bodily harm; dangerous driving causing death
June 5, 1997 Court of Queen’s Bench (Keyser J.)	Sentence: 18 months incarceration
October 14, 1997 Court of Appeal of Manitoba (Philp, Twaddle, Helper JJ.A.)	Sentence appeal allowed; Respondent sentenced to 18 month conditional sentence
December 16, 1997 Supreme Court of Canada	Application for leave to appeal filed

Her Majesty the Queen

v. (26377)

R.A.R. (Crim.)(Man.)

NATURE OF THE CASE

Criminal law - Sentencing - Conditional sentence - Whether the Court of Appeal erred in interpreting the conditional sentencing provisions in conflict with other courts of appeal - Whether the Court of Appeal erred in failing to consider the fundamental principle and all other principles of sentencing in imposing a conditional sentence on the Respondent - Whether the Court of Appeal erred in its interpretation of the phrase “endanger the safety of the community”.

PROCEDURAL HISTORY

May 2, 1996 Court of Queen’s Bench (Schwartz J.)	Conviction: sexual assault, assault (two counts)
June 6, 1996 Court of Queen’s Bench (Schwartz J.)	Sentence: imprisonment for one year, fine of \$10,000 and fine of \$2,000, probation for three years
October 22, 1997 Court of Appeal (Lyon, Kroft, Monnin JJ.A.)	Sentence appeal allowed; imprisonment of nine months to be served in the community
December 16, 1997 Supreme Court of Canada	Application for leave to appeal filed
March 4, 1998 Supreme Court of Canada (Registrar)	Respondent’s motion for the extension of time granted

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

Bradley Roderick Forrayi

v. (26343)

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

NATURE OF THE CASE

Criminal law - Conviction for first degree murder - Decision of legal aid not to fund counsel to represent Applicant on his appeal - Application for the assignment of counsel under s. 684 of the *Criminal Code* denied - Appeal from conviction dismissed.

PROCEDURAL HISTORY

March 8, 1995 Supreme Court of Nova Scotia (Tidman J.)	Conviction: life imprisonment for first degree murder
February 13, 1997 Nova Scotia Court of Appeal (Hallett J.A.)	Application for the assignment of counsel under s. 684 of the <i>Criminal Code</i> denied
November 5, 1997 Nova Scotia Court of Appeal (Roscoe, Freeman and Bateman JJ.A.)	Appeal from conviction dismissed
January 23, 1998 Supreme Court of Canada (Gonthier J.)	Motion for an extension of time deferred to panel considering leave application
March 3, 1998 Supreme Court of Canada	Application for leave to appeal filed

Jean-Claude Poulin, Fernand Lamarche et Richard Millette

c. (26407)

Jean-Guy Gilbert, Des-Neiges Leblanc et Raymond Couture

- et -

Gilles Perron, Me Daniel Rock et Me Jean Dury (Qué.)

NATURE DE LA CAUSE

Droit administratif - Contrôle judiciaire - Droit des professions - Police - Comité de déontologie policière du Québec blâmant la conduite des demandeurs lors d'une enquête policière - La Cour d'appel, à la majorité, a-t-elle erré en concluant que les demandeurs n'ont pas réussi à démontrer que la décision du Comité était manifestement déraisonnable? - La décision du Comité signale-t-elle l'acceptation d'un standard trop bas pour l'imposition d'une sanction à un professionnel dans le cadre d'une enquête disciplinaire ou déontologique?

HISTORIQUE PROCÉDURAL

Le 1 ^{er} octobre 1993 Comité de déontologie policière (Gilbert, Couture et Leblanc)	Rapport d'enquête publique blâmant la conduite des trois demandeurs à l'occasion de l'enquête policière entourant le meurtre de Michelle Perron survenu à Laval en 1987
Le 3 mai 1994 Cour supérieure du Québec (Archambault j.c.s.)	Requête en révision judiciaire rejetée
Le 21 novembre 1997 Cour d'appel du Québec (Beauregard [dissident], Rousseau-Houle et Forget jj.c.a.)	Appel rejeté
Le 15 janvier 1998 Cour suprême du Canada (L'Heureux-Dubé j.)	Requête en prorogation de délai accordée
Le 2 février 1998 Cour suprême du Canada	Demande d'autorisation d'appel déposée

Jacques Laurendeau

c. (26453)

Université Laval (Qué.)

NATURE DE LA CAUSE

Code civil - Responsabilité civile - Dommages-intérêts - Dommages-intérêts exemplaires - Preuve - Action en dommages fondée sur le conflit d'intérêts entre le demandeur et son directeur de thèse de maîtrise rejetée - La Cour d'appel a-t-elle commis une erreur en rejetant l'appel du demandeur?

HISTORIQUE PROCÉDURAL

Le 23 janvier 1997 Cour supérieure du Québec (Martin J.C.S.)	Action du demandeur en dommages rejetée avec dépens limités aux déboursés judiciaires
Le 23 juillet 1997 Cour d'appel du Québec (Tourigny J.C.A.)	Requête du demandeur pour préséance accordée sans frais
Le 4 août 1997 Cour d'appel du Québec (Gendreau J.C.A.)	Requête du demandeur en rejet de défense rejetée sans frais
Le 10 décembre 1997 Cour d'appel du Québec (Beauregard, Deschamps et Letarte [<i>ad hoc</i>], JJ.C.A.)	Appel du demandeur rejeté avec dépens
Le 23 janvier 1998 Cour suprême du Canada	Demande d'autorisation d'appel et requête en nomination de procureur et pour être dispensé de suivre les règles de pratique déposées

KPMG

v. (26356)

Nigel T. Hill (Sask.)

NATURE OF THE CASE

International law - Conflict of laws - Procedural law - Courts - Jurisdiction - Respondent commencing action against Applicant in Saskatchewan for negligent advice concerning off-shore investment - Applicant having offices in both Saskatchewan and off-shore location of Vanuatu - Respondent having lived in Vanuatu at the time the investment was made - Respondent suffering damages as a result of the failure of the investment - Respondent now residing in Saskatchewan - Applicant's application to strike Respondent's statement of claim on basis of *forum non conveniens* dismissed - Whether uncertainty exists regarding application of the doctrine of *forum non conveniens* as expressed in *Amchem Products Inc. v. B.C.(W.C.B.)*, [1993] 1 S.C.R. 897. - Whether Court of Appeal failed to correctly apply the *forum non conveniens* test - Whether confusion exists in the Courts of Appeal concerning application of the doctrine - Whether risk of forum shopping created.

PROCEDURAL HISTORY

June 23, 1997 Saskatchewan Court of Queen's Bench (Barclay J.)	Application to strike Respondent's statement of claim dismissed
November 27, 1997 Saskatchewan Court of Appeal (Tallis, Cameron, and Wakeling JJ.A.)	Appeal dismissed
February 9, 1998 Supreme Court of Canada	Application for leave to appeal filed

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

Gerald Michael Vaughan

v. (26342)

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

NATURE OF THE CASE

Criminal law - Procedural law - Not criminally responsible on account of mental disorder - Review board - Whether the Applicant had a unilateral right to waive the annual review board hearing required by s. 672.81(1) of the *Criminal Code* - Whether the Court of Appeal erred in dismissing the appeals arising from the application for habeas corpus.

PROCEDURAL HISTORY

July 7, 1995 Review Board	Order continuing Applicant's detention
April 3, 1996 Ontario Court (General Division) (Marchand J.)	Application for <i>habeas corpus</i> dismissed

May 31, 1996 Review Board	Order continuing Applicant's detention
June 24, 1996 Ontario Court of Appeal (Doherty, Moldaver, Charron JJ.A.)	Appeal of July 7, 1995 order dismissed
May 15, 1997 Review Board	Order continuing Applicant's detention
October 21, 1997 Ontario Court of Appeal (Brooke, Finlayson, Rosenberg JJ.A.)	Appeal of <i>habeas corpus</i> applications dismissed; Appeal of May 31, 1996 Review Board order dismissed
December 19, 1997 Supreme Court of Canada	Applications for leave to appeal filed

Fraser River Pile & Dredge Ltd.

v. (26415)

Can-Dive Services Ltd. (B.C.)

NATURE OF THE CASE

Commercial law - Contracts - Insurance - Insurance marine - Procedural law - Courts - *Stare decisis* - Application of *Vandepitte v. Preferred Accident Insurance Corporation of New York*, [1932] S.C.R. 22 (P.C.) - Whether a provincial appellate court may treat a decision of this Court and the Privy Council as impliedly overruled - Whether there is an exception to the doctrine of privity of contract in respect of third parties mentioned in insurance policies - Whether the extension of insurance benefits to a third party depends upon the subjective intention of the insured - If a third party obtains an inchoate benefit under a contract of which he is not aware, can the benefit be modified by the contracting parties prior to the third party taking any steps to ratify the contract - Whether a waiver of subrogation in an insurance policy prevents an action by the insured itself against a third party?

PROCEDURAL HISTORY

July 14, 1995 Supreme Court of British Columbia (Warren J.)	Applicant's action for damages allowed; Respondent's counterclaim dismissed
October 27, 1997 Court of Appeal for British Columbia (Esson, Huddart and Proudfoot JJ.A.)	Appeal allowed
December 29, 1997 Supreme Court of Canada	Application for leave to appeal filed

Victor Brian Olson

v. (26442)

The Law Society of Manitoba (Man.)

NATURE OF THE CASE

Administrative law - *Canadian Charter of Rights and Freedoms* - Jurisdiction - Evidence - Professional misconduct hearing - Whether the Court of Appeal should be bound by fact findings made by the committee where the reasons for judgment of the committee indicate that it did not follow jurisprudence which requires that, he who asserts must prove and, where wrongful conduct is alleged, the person alleging the wrongful conduct has an onus of establishing same by a standard of proof which must be clear and convincing and which must overcome the presumption of innocence - Where the committee adjudicating the question of professional misconduct are benchers of the Law Society who are responsible for the budget of the Society and who have indicated that they intend to use the power to levy costs against persons convicted of professional misconduct as a source of needed revenue, whether or not a proceeding conducted in such circumstances is contrary to the *Charter*, in that it deprives a person of his or her right to life, liberty and security of the person, other than in a manner which is consistent with fundamental justice - Whether or not there is a duty on the Court of Appeal to give greater scrutiny to the decision of the committee and not to bind itself by jurisprudence normally applicable with respect to reviewing and overturning findings of fact made by an independent tribunal.

PROCEDURAL HISTORY

March 21, 1996 Judicial Committee (Law Society of Manitoba)	Conviction: two counts of professional misconduct
November 13, 1997 Court of Appeal of Manitoba (Philp, Helper and Kroft JJ.A.)	Appeal dismissed
January 12, 1998 Supreme Court of Canada	Application for leave to appeal filed

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

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

Ricardo Jose Saca v. York University (Ont.) 26336

**ORAL HEARING ON APPLICATIONS
FOR LEAVE**

**AUDIENCE SUR LES DEMANDES
D'AUTORISATION**

May 4, 1998 / le 4 mai 1998

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

Oral hearing on leave and extension of time to file a notice of appeal / Audition orale sur autorisation d'appel et prorogation du délai pour produire un avis d'appel.

Bac Dinh Pham et al.

Kenneth R. Steinberg, for the motion.

v. (26459)

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

S. David Frankel, Q.C., contra. (Vancouver)

DISMISSED / REJETÉE

NATURE OF THE CASE

Criminal law - Search and seizure - Wiretap authorizations - Intercepted communications - Whether the Court of Appeal erred in holding that the "confirmation order" under s. 188.1(2) of the *Criminal Code* was not required before the telephone company could assist the police in intercepting the Applicants' private communications - Whether the Court of Appeal erred in holding that an "assistance order" under s. 487.02 of the *Criminal Code* was not required before the telephone company could assist the police in intercepting the Applicants' private communications.

PROCEDURAL HISTORY

March 3, 1997

Provincial Court of British Columbia (Kitchen P.C.J.)

Acquittal: conspiracy to traffic in heroin: conspiracy to traffic in cocaine

December 5, 1997

Court of Appeal for British Columbia
(Lambert, Esson and Goldie JJ.A.)

Appeal allowed; acquittal set aside; new trial ordered

January 30, 1998

Supreme Court of Canada

Application for leave to appeal and request for oral hearing filed

May 4, 1998 / le 4 mai 1998

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

Oral hearing on leave and extension of time to file a notice of appeal / Audition orale sur autorisation d'appel et prorogation du délai pour produire un avis d'appel

David Joseph Golub

David E. Harris, for the motion.

v. (26298)

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

Scott Hutchison and Alex Alvaro, contra.

DISMISSED / REJETÉE

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Arrest - Search and seizure - Whether the grounds necessary for arrest under s. 495 of the *Criminal Code* are lower than the grounds to justify a search by warrant - What are the spatial limitations upon a search made incident to an arrest - Whether there is an exigent circumstances exception to the *Charter* prohibition upon arrest without warrant in a dwelling house - If there is such an exception, whether the standard of possibility is constitutionally permissible - What is the proper interpretation of the warrantless search for firearms provision in s. 103(2) of the *Criminal Code*, and did the trial judge err in her interpretation and application of the provision - Does s. 103(2) violate s. 8 of the *Charter* - If s. 8 of the *Charter* was violated, should the evidence have been excluded.

PROCEDURAL HISTORY

May 11, 1995
Ontario Court (General Division)
(Bernhard J.)

Acquittal: carrying a concealed weapon; possession of weapons dangerous; possession of a prohibited weapon; possession of a firearm while prohibited; failure to comply with a recognizance; possession of a firearm and defaced serial number

July 24, 1997
Court of Appeal for Ontario
(Houlden, Osborne, Doherty JJ.A.)

Appeal allowed; new trial ordered

November 14, 1997
Supreme Court of Canada

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

MAY 7, 1998 / LE 7 MAI 1998

26399 **D.E. - c. - SA MAJESTÉ LA REINE** (Crim.)(Qué.)

CORAM: Le Juge en chef et les juges McLachlin et Iacobucci

La demande d'autorisation d'appel est rejetée.

The application for leave to appeal is dismissed.

NATURE DE LA CAUSE

Droit criminel - *Charte canadienne des droits et libertés* - Preuve - Divulgence de preuve - Destruction d'éléments matériels de preuve - Est-ce que l'arrêt *R. c. Carosella*, [1997] 1 R.C.S. 80, s'applique? - Est-ce que la Cour d'appel a confondu la preuve de la dénégation d'un droit constitutionnel avec le fardeau qu'a le prévenu d'établir le type de réparation idoine à son redressement? - La Cour d'appel a-t-elle erré en omettant de conclure que l'inaccessibilité à une preuve matérielle pertinente entraînait la dénégation d'un droit constitutionnel? - La Cour d'appel a-t-elle erré en omettant de se prononcer sur le droit qu'avait le prévenu à la divulgation d'une preuve pertinente et en manquant de considérer les options disponibles? - La Cour d'appel a-t-elle erré en droit en spéculant sur l'ampleur du préjudice qu'a causé à la défense le fait qu'une preuve matérielle ne lui soit pas accessible, vu les délais pré-incipatoires? - La Cour d'appel a-t-elle erré en droit en n'examinant pas le raisonnement du juge de première instance qui semble lier un redressement à la preuve d'une faute commise par la partie adverse? - Est-ce que l'arrêt des procédures est un redressement indiqué lorsque la Cour ne peut se prévaloir d'autres options?

HISTORIQUE PROCÉDURAL

Le 8 juin 1994
Cour supérieure (Chambre criminelle) (Tremblay j.c.s.)

Requête en arrêt des procédures rejetée

Le 15 juin 1994
Cour supérieure (Chambre criminelle) (Tremblay j.c.s.)

Verdict du jury: demandeur trouvé coupable d'agression sexuelle

Le 31 octobre 1997
Cour d'appel du Québec
(Beauregard, Dussault et Pidgeon jj.c.a.)

Appel rejeté

Le 23 décembre 1997
Cour suprême du Canada

Demande d'autorisation d'appel déposée

26355 **WAL-MART CANADA INC. - v. - UNITED STEEL WORKERS OF AMERICA AND THE ONTARIO LABOUR RELATIONS BOARD** (Ont.)

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

Canadian Charter of Rights and Freedoms - Administrative law - Appeal - Certification - Respondent union obtaining large number of signed membership cards to support application for certification - Respondent alleging that Applicant engaging in unfair labour practices in breach of s. 70 of *Labour Relations Act, 1995*, S.O 1995, c.1. Sch. A., thereby undermining certification process by refusing to answer questions of employees concerning the possible closure of store in response to potential union certification - Respondent not achieving required support on subsequent representation vote and applying for automatic certification pursuant to Section 11(1) of the *Labour Relations Act, 1995* - Board concluding that Applicant had breached s. 70 and that only appropriate remedy in the circumstances was automatic certification - Application for judicial review dismissed - Leave to appeal to Court of Appeal denied - Whether discretion granted to Board pursuant to s. 11(1) of the *Act* to certify a trade union as bargaining agent without majority support violates section 2(d) of the *Charter* - Whether such violation justified under section 1 - Whether Divisional Court erred in refusing to address the *Charter* arguments under section 11(1) - Whether Board exceeded its jurisdiction under section 11(1) by failing to consider whether any other remedies would have been sufficient to counter the effects of a contravention of the *Act*.

PROCEDURAL HISTORY

February 10, 1997 Ontario Labour Relations Board (Johnston and Peacock; Pirrie [dissenting])	Application for section 11 certification granted
August 18, 1997 Ontario Court (General Division) (Campbell, Then and Matlow JJ.)	Application for judicial review of a decision of the Ontario Labour Relations Board dismissed
October 3, 1997 Court of Appeal for Ontario (McMurtry C.J.O., Finlayson and Doherty JJ.A.)	Application for leave to appeal dismissed
December 1, 1997 Supreme Court of Canada	Application for leave to appeal filed

26272 **DANS L'AFFAIRE DE LA FAILLITE DE: NOLISAIR INTERNATIONAL INC. - RICHTER & ASSOCIÉS INC. c. LE SOUS-MINISTRE DU REVENU DU QUÉBEC - et entre - DANS L'AFFAIRE DE LA FAILLITE: SÉCURITÉ SAGLAC (1992) INC. - TREMBLAY & COMPAGNIE SYNDICS ET GESTIONNAIRES LTÉE c. LE SOUS-MINISTRE DU REVENU DU QUÉBEC et LE PROCUREUR GÉNÉRAL DU CANADA AUX DROITS DU MINISTÈRE DU REVENU DU CANADA** (Qué.)

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

La demande d'autorisation d'appel est accordée.

The application for leave to appeal is granted.

NATURE DE LA CAUSE

Droit commercial - Droit fiscal - Faillite - Législation - Interprétation - Fiducie réputée - Retenues à la source - Dette fiscale - Critères d'application d'une fiducie réputée - Article 20 de la *Loi sur le ministère du Revenu*, L.R.Q., chap. M-31 - Paragraphe 67(3) de la *Loi sur la faillite et l'insolvabilité*, L.R.C. (1985), chap. B-3 - Article 227 de la *Loi de l'impôt*

sur le revenu, L.R.C. (1985), chap. I- 3 - Quelles sont les conditions requises pour créer une fiducie légale réputée? - Quelles sont, aux termes du paragraphe 67(3) de la *Loi sur la faillite et l'insolvabilité* les conditions d'applicabilité, en cas de faillite, d'une fiducie réputée créée par une loi provinciale? - Quelle autorité doit-on accorder à un bulletin d'information ministériel et à des notes explicatives d'un projet de la loi ultérieurement adopté?

HISTORIQUE PROCÉDURAL

Dans l'affaire de la faillite de: Sécurité Saglac (1992) Inc.

Le 17 novembre 1993
Cour supérieure du Québec (Banford J.C.S.)

Requête de l'intimé en appel d'une décision du syndic
ayant rejeté une preuve de réclamation accueillie

Le 9 septembre 1997
Cour d'appel du Québec (Fish J.C.A. [dissident],
Deschamps et Chamberland JJ.C.A.)

Appel rejeté

Le 7 novembre 1997
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Dans l'affaire de la faillite de: Nolisair International Inc.

Le 16 février 1994
Cour supérieure du Québec (Durand J.C.S.)

Requête de l'intimé en appel d'une décision du syndic
ayant rejeté une preuve de réclamation rejetée

Le 9 septembre 1997
Cour d'appel du Québec (Fish J.C.A. [dissident],
Deschamps et Chamberland JJ.C.A.)

Appel accueilli

Le 7 novembre 1997
Cour suprême du Canada

Demande d'autorisation d'appel déposée

26416 **JEAN VICTOR BEAULAC v. HER MAJESTY THE QUEEN** (Crim.)(B.C.)

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

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

NATURE OF THE CASE

Criminal law - Language rights - Whether the courts below applied the appropriate standard in the application of s. 530(4) of the *Criminal Code*, which gives a trial judge the discretion to order a trial in the official language spoken by the accused.

PROCEDURAL HISTORY

May 12, 1995
Supreme Court of British Columbia

Conviction: first degree murder

October 29, 1997
Court of Appeal for British Columbia
(Mcfarlane, Southin, Goldie JJ.A.)

Appeal dismissed

December 29, 1997
Supreme Court of Canada

Application for leave to appeal filed

26394

THE MINISTER OF FORESTS AND THE ATTORNEY GENERAL OF BRITISH COLUMBIA ON BEHALF OF HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA v. MacMILLAN BLOEDEL LIMITED and COUNCIL OF THE HAIDA NATION AND MILES RICHARDSON ON THEIR OWN BEHALF AND ON BEHALF OF ALL MEMBERS OF THE HAIDA NATION - and between - MacMILLAN BLOEDEL LIMITED v. COUNCIL OF THE HAIDA NATION AND MILES RICHARDSON ON THEIR OWN BEHALF AND ON BEHALF OF ALL MEMBERS OF THE HAIDA NATION and THE MINISTER OF FORESTS AND THE ATTORNEY GENERAL OF BRITISH COLUMBIA ON BEHALF OF HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA (B.C.)

CORAM: L'Heureux-Dubé, Gonthier and Bastarache 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 - Plain meaning rule - Whether the fundamental principle of statutory interpretation is more accurately expressed in the second edition of Driedger's *Construction of Statutes* or the third edition of that work.

PROCEDURAL HISTORY

November 20, 1995
Supreme Court of British Columbia
(Cohen J.S.C.B.C.)

Preliminary issue decided in favour of the Applicants: aboriginal title claimed by the petitioners not capable of constituting an encumbrance within the meaning of s. 28 of the *Forests Act*

November 7, 1997
Court of Appeal for British Columbia
(Esson, Southin and Huddart JJ.A.)

Appeal allowed: preliminary question answered in the affirmative

January 7, 1998
Supreme Court of Canada

Application for leave to appeal filed

26430

PATRICIA CAROLYN HICKEY v. WALTER DONALD HICKEY (Man.)

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

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

NATURE OF THE CASE

Family law - Maintenance - Variation of spousal and child support - Ten year old spousal and child support order varied by Chambers Judge due to Respondent's income and eroding effect of inflation on quantum - Child support doubled to \$1,500 per month for one child - Spousal support increased by \$300 per month to \$1,300 per month - Former wife having upgraded her education but earning income of less than \$6,000 per annum - Former husband self-employed, earning in excess of \$100,000 per annum - Federal *Child Support Guidelines* enacted prior to appeal - Court of Appeal refusing to consider *Guidelines* or changes to *Income Tax Act* regarding deductibility of child support- Court of Appeal reducing child support to \$900 per month and spousal support to \$1,000 per month retroactive to date of original award - Whether Court of Appeal erred in failing to consider new legislation and in reducing support.

PROCEDURAL HISTORY

June 27, 1996 Manitoba Court of Queen's Bench (Family Division) (Kennedy J.)	Motion for variation of maintenance obligations granted; spousal and child support increased
October 21, 1997 Court of Appeal of Manitoba (Huband, Philip and Monnin JJ.A.)	Appeal allowed; spousal and child support reduced, retroactive to date of original order
January 15, 1998 Supreme Court of Canada	Application for leave to appeal filed

26397 **MADISON DEVELOPMENTS LIMITED ET AL v. PLAN ELECTRIC CO. ET AL** (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

Commercial law - Insurance - Contracts - Subcontracts - Whether a builders' risk policy precludes an insurer from pursuing a subrogated claim against a subcontractor for its negligence or that of its employees by virtue of *Commonwealth Construction Co. v. Imperial Oil Ltd.*, [1978] 1 S.C.R. 317, when the owner and contractor are the only named insureds - Whether the Court of Appeal misinterpreted *Commonwealth* as it applies to builder's risk policies - Whether it is appropriate to interpret insurance obligations in a construction subcontract based on policy considerations, notwithstanding the express terms of the insurance policy - Whether the negligent employees of a subcontractor are protected from subrogated claims pursuant to a subcontract despite the fact that they are not parties to this agreement - Whether the Court of Appeal misinterpreted *London Drugs Ltd. v. Kuehne and Nagel International Ltd.*, [1992] 3 S.C.R. 299 when it held that the decision is not restricted to limitation of liability cases and that it has effectively superseded *Greenwood Shopping Plaza v. Beattie*, [1980] 2 S.C.R. 288 in the context of insurance obligations and rights of subrogation against employees?

PROCEDURAL HISTORY

June 9, 1993 Ontario Court (General Division) (Wright J.)	Respondents ordered to pay Applicants \$140,096.05 in damages; Respondents' counterclaim dismissed
--	---

October 22, 1997
Court of Appeal for Ontario
(Brooke, Carthy and Laskin JJ.A.)

Appeal allowed; action dismissed; counterclaim dismissed

December 22, 1997
Supreme Court of Canada

Application for leave to appeal filed

26422 **DEPOSIT INSURANCE CORPORATION OF ONTARIO v. NESBITT, BURNS INC. ET AL and HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO v. NESBITT, BURNS LIMITED ET AL** (Ont.)

CORAM: Cory, Major and Binnie JJ.

The applications for leave to appeal are granted.

Les demandes d'autorisation d'appel sont accordées.

NATURE OF THE CASE

Statutes - Interpretation - Torts - Damages - Contribution and indemnity - Statutory immunity of the Deposit Insurance Corporation of Ontario - Is a claim for contribution and indemnity the same as a claim for damages? - Can a person who is protected by statutory immunity from actions or other proceedings for damages be liable to pay contribution or indemnity to someone who is liable to a plaintiff for those damages? - Is the beneficiary of a statutory immunity clause "unjustly enriched" if a defendant who is found liable to a plaintiff for damages cannot claim over against the beneficiary for contribution or indemnity?

PROCEDURAL HISTORY

September 17, 1996
Ontario Court (General Division) (Farley J.)

Respondents' third party claim against DICO dismissed as statute barred

October 24, 1997
Court of Appeal for Ontario
(Brooke, Osborne and Austin JJ.A.)

Appeal allowed

December 23, 1997
Supreme Court of Canada

Applications for leave to appeal filed

26360 **WARREN J.M. YAKE v. THE LAW SOCIETY OF ALBERTA** (Alta.)

CORAM: Cory, Major and Binnie JJ.

The application to file further material is granted but the application for leave to appeal is dismissed.

La demande pour déposer d'autres documents est accordée mais la demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Administrative law - Jurisdiction - Evidence - Professional misconduct hearing - Whether Court of Appeal erred in failing to address the threshold question of whether it was permissible for a professional misconduct hearing to take on the

appearance and air of a criminal prosecution - Whether Court of Appeal of Alberta erred in not finding that the panel conducting the hearing trespassed on the federal criminal power jurisdiction, and therefore rendered the discipline hearing *ultra vires* - Whether the Court of Appeal erred in not considering and applying the appropriate standard of proof where allegations of criminal conduct were being made - Whether the Court of Appeal erred in its endorsement, without analysis or evaluation of the Law Society's erroneous findings of fact - Whether the Court of Appeal erred in its failure to consider the issue of the Law Society's bias against the Applicant - Whether the Court of Appeal erred in its interpretation of "material particular" and whether there had been a dishonest deprivation.

PROCEDURAL HISTORY

June 15, 1994 Benchers of the Law Society of Alberta (Appeal Panel Hearing - Hawko G., chair)	Undated report of Hearing Committee upheld: appeal dismissed; conviction on two counts of professional misconduct upheld
October 23, 1997 Alberta Court of Appeal (Irving, Hunt and Sulatycky JJ.A.)	Appeal on sentence and conviction dismissed
January 7, 1998 Supreme Court of Canada	Application for leave to appeal filed

26497 **JONATHAN ASHTON CALVERT v. MARY LOUISE CALVERT BY HER LITIGATION**
GUARDIAN STEPHEN M. GRANT (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

Family law - Divorce - Interpretation of the *Divorce Act*, R.S.C. 1985, c.3 (2nd Supp.) - Living "separate and apart" - Capacity to form intent to divorce - Rights and obligations of incompetent spouses in relation to matters of family law.

PROCEDURAL HISTORY

February 12, 1997 Ontario Court (General Division) (Benotto J.)	Divorce decree granted with order that equalization payment of \$6, 447, 913.50 with prejudgment interest of \$ 904,793.26 be paid to Respondent
February 11, 1998 Court of Appeal of Ontario (Labrosse, Charron and Sharpe [<i>ad hoc</i>] JJ.C.A.)	Appeal dismissed
March 2, 1998 Supreme Court of Canada	Application for leave to appeal filed

27.3.1998 (REVISED / RÉVISÉE)

Before / Devant: THE REGISTRAR

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

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

Attorney General of Canada

Opposed

v. (25944)

Canadianoxy Chemicals Ltd. et al. (B.C.)

GRANTED / ACCORDÉE Time extended to May 29, 1998.

29.4.1998

Before / Devant: BINNIE J.

Motion for a stay of execution

Requête en vue de surseoir à l'exécution

M & D Farms Ltd. et al.

Opposed.

v. (26215)

The Manitoba Agricultural Credit Corporation (Man.)

GRANTED / ACCORDÉE

1. The abridgement of time periods is granted as requested.
 2. Pending the disposition by this Court of the appeal herein or until this Court should otherwise order, the respondent be and it is hereby restrained from taking any further proceedings to sell or otherwise dispose of the land legally described as: the North East Quarter of Section Twenty-seven, in Township Three and Range Thirteen, West of the Principal Meridian, in Manitoba.
 3. The applicants are to have their costs of this motion.
-

30.4.1998

Before / Devant: THE REGISTRAR

Motion to extend the time in which to file the applicant's reply

Requête en prorogation du délai imparti pour déposer la réplique de la requérante

Silverside Computer Systems Inc.

v. (26507)

The Minister of National Revenue et al. (Ont.)

GRANTED / ACCORDÉE Time extended to April 21, 1998.

4.5.1998

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

Motion to quash

James Puskas

v. (26373)

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

Requête en annulation

James Lockyer, for the appellant.

Robert Frater (respondent), for the motion.

GRANTED / ACCORDÉE reasons to follow; extension of time for leave to appeal granted to 60 days.

4.5.1998

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

Motion to quash

Delbert Ross Chatwell

v. (26492)

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

Requête en annulation

James Lockyer, for the appellant.

Jennifer Woollcombe (respondent), for the motion.

GRANTED / ACCORDÉE reasons to follow; extension of time for leave to appeal granted to 60 days.

4.5.1998

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

Motion to quash

M.V.

v. (26527)

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

Requête en annulation

Jean Richer, for the appellant.

Alex Alvaro (respondent), for the motion.

GRANTED / ACCORDÉE extension of time for leave to appeal to end of June granted.

30.4.1998

Before / Devant: CHIEF JUSTICE LAMER

Motion to state a constitutional question

Denis Lucien LePage

v. (26320)

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

GRANTED / ACCORDÉE

1. Does s. 672.54 of the *Criminal Code*, R.S.C. 1985, c. C-46, infringe the rights and freedoms guaranteed by s. 15(1) of the *Canadian Charter of Rights and Freedoms* on the ground that it discriminates against people with a mental disorder or mental disability?

2. Does s. 672.54 of the *Criminal Code*, R.S.C., 1985, c. C-46 infringe the rights and freedoms guaranteed by s. 7 of the *Canadian Charter of Rights and Freedoms* on the ground that it deprives persons found not criminally responsible on account of mental disorder of their right to liberty and security of the person contrary to the principles of fundamental justice?

3. If the answer to Question 1 or 2 is 'yes', is the infringement demonstrably justified in a free and democratic society as a reasonable limit pursuant to s. 1 of the *Canadian Charter of Rights and Freedoms*?

Requête pour énoncer une question constitutionnelle

Daniel J. Brodsky and Mara B. Greene, for the motion.

Eric Siebenmorgen, contra.

1. L'article 672.54 du *Code criminel*, L.R.C. (1985), ch. C-46, porte-t-il atteinte aux droits et libertés garantis par le par. 15(1) de la *Charte canadienne des droits et libertés* pour le motif qu'il crée de la discrimination à l'endroit des personnes souffrant de troubles mentaux ou de déficience mentale?

2. L'article 672.54 du *Code criminel*, L.R.C. (1985), ch. C-46, porte-t-il atteinte aux droits et libertés garantis par l'art. 7 de la *Charte canadienne des droits et libertés* pour le motif que, d'une manière incompatible avec les principes de justice fondamentale, il prive de leur droit à la liberté et à la sécurité de leur personne les personnes faisant l'objet d'un verdict de non-responsabilité criminelle pour cause de troubles mentaux?

3. En cas de réponse affirmative à la première ou à la deuxième question, l'atteinte portée constitue-t-elle une restriction raisonnable dont la justification peut se démontrer dans le cadre d'une société libre et démocratique, conformément à l'article premier de la *Charte canadienne des droits et libertés*?

4.5.1998

Before / Devant: CORY J.

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

Her Majesty The Queen

v. (26376)

Jeremie Keith D. Proulx (Man.)

GRANTED / ACCORDÉE Time extended to December 16, 1997.

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

With the consent of the parties.

5.5.1998

Before / Devant: CORY J.

Motion for an order reducing the number of copies to be filed

Requête visant le dépôt d'un nombre réduit d'exemplaires

Denis Lucien LePage

With the consent of the parties.

v. (26320)

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

GRANTED / ACCORDÉE

Order will go directing the Registrar to accept 10 copies of the 20 volumes of the appellant's record in support of his appeal.

5.5.1998

Before / Devant: THE REGISTRAR

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

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

Mavis Baker

With the consent of the parties.

v. (25823)

Minister of Citizenship and Immigration (Ont.)

GRANTED / ACCORDÉE Time extended to August 10, 1998.

5.5.1998

Before / Devant: THE REGISTRAR

Motion to extend the time in which to file a respondent's record

Requête en prorogation du délai imparti pour déposer le dossier d'un intimé

Gordon Wayne Bese

v. (25855 - 856 - 751)

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

GRANTED / ACCORDÉE Time extended to April 21, 1998.

6.5.1998

Before / Devant: MAJOR J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Attorney General for Ontario

With the consent of the parties.

IN/DANS: Brian Arp

v. (26100)

Her Majesty The Queen (B.C.)

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

6.5.1998

Before / Devant: CORY J.

Motion to extend the time for leave to intervene

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

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

IN/DANS: W. (D.D.)

v. (25970)

Her Majesty The Queen (B.C.)

GRANTED / ACCORDÉE

The time to bring this application to intervene is extended to the 17th of April 1998.

The applicant is granted leave to intervene. The factum is to be limited to 20 pages and the oral argument is not to exceed 10 minutes.

Neither the factum nor the oral submissions are to repeat those made by the respondent.

The factum is to be completed and filed on or before the 28th day of May 1998.

6.5.1998

Before / Devant: CORY J.

Hearing of miscellaneous motion

Audience sur autre requête

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 30 days from the 7 May 1998.

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

**APPEALS HEARD SINCE LAST ISSUE
AND DISPOSITION**

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

29.4.1998

CORAM: L'Heureux-Dubé, Cory, Iacobucci, Major and Binnie JJ.

William Rodney Jussila

Rajko Dodic, for the appellant.

v. (25888)

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

Joshua B. Hawkes, for the respondent.

L'HEUREUX-DUBÉ (orally for the Court) -- We are all of the view that the verdict reached by the trial judge was not unreasonable in all the circumstances of this case. Accordingly, this appeal as of right is dismissed.

[TRANSLATION] LE JUGE L'HEUREUX-DUBÉ (oralement pour la Cour) -- Nous sommes tous d'avis que le verdict prononcé par le juge du procès n'était pas déraisonnable compte tenu de toutes les circonstances de l'affaire. Par conséquent, le présent appel de plein droit est rejeté.

APRIL 27, 1998 / LE 27 AVRIL 1998

25173

VELUPPILLAI PUSHPANATHAN - v. - MINISTER OF CITIZENSHIP AND IMMIGRATION (F.C.A.) (Ont.)

Please note there will **not** be a rehearing of the appeal Veluppillai Pushpanathan v. Minister of Citizenship and Immigration (25173).

Veillez noter qu'il n'y aura **pas** de nouvelle audition dans l'appel Veluppillai Pushpanathan c. Ministre de la Citoyenneté et de l'Immigration (25173).

WEEKLY AGENDA

**ORDRE DU JOUR DE LA
SEMAINE**

AGENDA for the week beginning May 11, 1998.
ORDRE DU JOUR pour la semaine commençant le 11mai 1998.

Date of Hearing/
Date d'audition

Case Number and Name/
Numéro et nom de la cause

The Court is not sitting this week

La Cour ne siège pas cette semaine

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

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 : **June 1, 1998**
Service : May 25, 1998
Filing : May 15, 1998
Respondent : May 8, 1998

DEVANT LA COUR:

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

Audience du : **1 juin 1998**
Signification : 25 mai 1998
Dépôt : 15 mai 1998
Intimé : 8 mai 1998

DEADLINES: APPEALS

The Spring Session of the Supreme Court of Canada will commence April 27, 1998.

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:

1. WHERE NOTICE OF APPEAL FILED BEFORE OCTOBER 29, 1997:

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

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

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

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

2. WHERE NOTICE OF APPEAL FILED ON OR AFTER OCTOBER 29, 1997:

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.

In all cases, 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.

DÉLAIS: APPELS

La session de printemps de la Cour suprême du Canada commencera le 27 avril 1998.

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:

1. SI L'AVIS D'APPEL EST DÉPOSÉ AVANT LE 29 OCTOBRE 1997:

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

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

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

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

2. SI L'AVIS D'APPEL EST DÉPOSÉ LE 29 OCTOBRE 1997 OU APRÈS CETTE DATE:

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.

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.

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.

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

Dans tous les cas, le registraire inscrit l'appel pour audition après le dépôt du mémoire de l'intimé ou à l'expiration du délai de signification du mémoire de l'intimé.

SUPREME COURT OF CANADA SCHEDULE
CALENDRIER DE LA COUR SUPREME

REVISED

- 1997 -

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

NOVEMBER - NOVEMBRE						
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DECEMBER - DECEMBRE						
S D	M L	T M	W M	T J	F V	S S
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28	29	30	31			

- 1998 -

JANUARY - JANVIER						
S D	M L	T M	W M	T J	F V	S S
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FEBRUARY - FÉVRIER						
S D	M L	T M	W M	T J	F V	S S
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MARCH - MARS						
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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
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MAY - MAI						
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31						

JUNE - JUIN						
S D	M L	T M	W M	T J	F V	S S
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21	22	23	24	25	26	27
28	29	30				

Sittings of the court:
Séances de la cour:



Motions:
Requêtes:

Holidays:
Jours fériés:

17 sitting weeks / semaines séances de la cour
78 sitting days / journées séances de la cour
7 motion and conference days /
journées requêtes, conférences
3 holidays during sitting days /
jours fériés durant les sessions