

**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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**APPLICATIONS FOR LEAVE TO
APPEAL FILED**

Gordon Charles Johnson et al.

Bruce W. Evans
Smith Evans

v. (27162)

The Attorney General of Nova Scotia (N.S.)

John W. Traves
Dept. of Justice

FILING DATE 25.2.1999

Beaver Lumber Company Limited

Randall Scott Echlin
Borden & Elliot

v. (27193)

Jim Epoch (Ont.)

Michel J. Bonomi
Sullivan, Mahoney

FILING DATE 19.3.1999

Enid Luk et al.

Enid Luk

v. (27194)

The Municipal District of Cypress (Alta.)

Dallas K. Miller, Q.C.
Dallas K. Miller Law Office

FILING DATE 18.3.1999

Twin City Mechanical

Richard J. Hobson, Q.C.
Hobson, Taylor, Oldfield, Greaves &
D'Agostino

v. (27196)

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

Leah Price
Beard, Winter

FILING DATE 19.3.1999

Centra Gas Manitoba Inc.

Eleanor R. Dawson, Q.C.
Aikins, MacAulay & Thorvaldson

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

v. (27197)

Jack Bohemier et al. (Man.)

Richard W. Schwartz
Scurfield Tapper Cuddy

FILING DATE 19.3.1999

Michel Provost

David Griffiths
Wilson & Buck

v. (27198)

Her Majesty the Queen (B.C.)

Cal Deedman
Min. of the A.G.

FILING DATE 19.3.1999

Ragbier Singh Bhandar

Peter C. M. Freeman, Q.C.
Cook Roberts

v. (27199)

Abtar Singh Bains (B.C.)

Richard R. Sugden, Q.C.
Sugden, McFee & Roos

FILING DATE 19.3.1999

Sue Hammell et al.

E. David Crossin, Q.C.
Crossin & Coristine

v. (27200)

Leonard Friesen et al. (B.C.)

David Lunny
Devlin Jensen

FILING DATE 19.3.1999

Ed Conroy

John L. Finlay
Arvay Finlay

v. (27200)

Leonard Friesen et al. (B.C.)

David Lunny
Devlin Jensen

FILING DATE 26.3.1999

FILING DATE 19.3.1999

Mervat Rashwan et al.

Mervat Rashwan

v. (27204)

Dr. A.G. Marzouk (Ont.)

Ms. Glynnis P. Burt
McCarthy Tetrault

FILING DATE 23.3.1999

Magdy Rashwan et al.

Magdy Rashwan

v. (27205)

Dr. A.G. Marzouk (Ont.)

Ms. Glynnis P. Burt
McCarthy Tetrault

FILING DATE 23.3.1999

Ville de Saint-Romuald

Jacques Tremblay
Pothier Delisle, s.e.n.c.

c. (27210)

Claudette Olivier et al. (Qué.)

François Marchand
Morisset Gingras

DATE DE PRODUCTION 24.3.1999

Zellers Inc.

Marvin R.V. Storrow, Q.C.
Blake, Cassels & Graydon

v. (27211)

Sharab Developments Ltd. (B.C.)

James G. Shatford
Lindsay Kenney

La procureure générale du Québec et al.

Alain Gingras
P.G. du Québec

c. (27212)

Ghislain Noiseux et al. (Qué.)

Josée Ferrari
Pariseau, Olivier, St-Louis & Ferrari

DATE DE PRODUCTION 31.3.1999

The Cadillac Fairview Corporation Limited

Richard B. Thomas
McMillan Binch

v. (27214)

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

Susan L. Van Der Hout
Dept. of Justice

FILING DATE 26.3.1999

Emmanuel Manoussakis

Emmanuel Manoussakis

v. (27215)

Her Majesty the Queen (Que.)

John Dennis Gerols
P.G. du Québec

FILING DATE 26.3.1999

Tom Dunmore et al.

Chris G. Paliare
Gowling, Strathy & Henderson

v. (27216)

Attorney General for the Province of Ontario et al. (Ont.)

R.E. Charney
A.G. of Ontario

FILING DATE 29.3.1999

Dwayne Paul Grimmer
Margaret Gallagher

v. (27217)

Her Majesty the Queen et al. (N.B.)
William Corby
A.G. of N.B.

FILING DATE 30.3.1999

Saskferco Products Inc. et al.
Robert W. Leurer
MacPherson Leslie & Tyerman

v. (27218)

Wellington Insurance Co. et al. (Sask.)
Murray R. Sawatzky
McDougall, Ready

FILING DATE 30.3.1999

Casimir Leon Kadziolka et al.
Robert L. Borden
Haubrich, Borden, Trach & Carlson

v. (27220)

Royal Bank of Canada (Sask.)
Ronald L. Miller, Q.C.
McDougall, Ready

FILING DATE 30.3.1999

**Phyllis Susin carrying on business as Romano
Construction Co. et al.**
John Susin

v. (27221)

Harper Haney and White (Ont.)
Alfred J. Esterbauer
Koskie Minsky

FILING DATE 1.4.1999

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

Peter Gassyt
Elisabeth Widner
Falconer Charney Macklin

v. (26947)

Her Majesty the Queen (Ont.)
Michael Bernstein
A.G. of Ontario

FILING DATE 21.4.1999

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

MAY 7, 1999 / LE 7 MAI 1999

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

Camco Inc. and General Electric Company

v. (27208)

Whirlpool Corporation and Inglis Limited (F.C.A.)

NATURE OF THE CASE

Property law - Patents - Construction - Validity - Double patenting - Obviousness - Whether the Federal Court of Appeal erred in failing to find that the trial judge failed to properly construe the patents in issue - Whether the Federal Court of Appeal erred by failing to correctly enunciate and apply the principles governing claim construction - Whether the Federal Court of Appeal erred in law by importing the term "rigid" into the claims of Canadian Patents No. 1,049,803 and 1,045,401 to modify the term "vanes" - Whether the Federal Court of Appeal erred in law by failing to correctly enunciate and apply the principles governing the doctrine of double patenting - Whether the Federal Court of Appeal erred in law in concluding that the claims of Canadian Patent No. 1,049,803 were not double patented by the claims of Canadian Patent No. 1,095,734 - Whether the Federal Court of Appeal erred in law in concluding that Canadian Patent No. 1,095,734 was valid.

PROCEDURAL HISTORY

August 18, 1997
Federal Court of Canada (Trial Division)
(Cullen J.)

Respondents' Canadian patents 1,049,803 and 1,095,734 valid; latter patent infringed; Respondents to elect between profits and damages; permanent injunction against Applicants with respect to latter patent; Applicants' counterclaim dismissed

January 22, 1999
Federal Court of Appeal
(Stone, Létouneau and Sexton JJ.A.)

Appeal dismissed with costs March 23, 1999

March 23, 1999
Supreme Court of Canada

Application for leave to appeal filed

Maytag Corporation, Maytag Limited and Maytag Quebec Inc.

v. (27209)

Whirlpool Corporation and Inglis Limited (F.C.A.)

NATURE OF THE CASE

Property law - Patents - Construction - Validity - Double patenting - Obviousness - Whether the Federal Court of Appeal erred in failing to find that the trial judge failed to properly construe the patents in issue - Whether the Federal Court of Appeal erred by failing to correctly enunciate and apply the principles governing claim construction - Whether the Federal Court of Appeal erred in law by importing the term "rigid" into the claims of Canadian Patents No. 1,049,803 and 1,045,401 to modify the term "vanes" - Whether the Federal Court of Appeal erred in law by failing to correctly enunciate and apply the principles governing the doctrine of double patenting - Whether the Federal Court of Appeal erred

in law in concluding that the claims of Canadian Patent No. 1,049,803 were not double patented by the claims of Canadian Patent No. 1,095,734 - Whether the Federal Court of Appeal erred in law in concluding that Canadian Patent No. 1,095,734 was valid.

PROCEDURAL HISTORY

September 9, 1997 Federal Court of Canada, Trial Division (Hugessen J.)	Respondents' Canadian patent 1,095,734 valid and infringed; permanent injunction against Applicants with respect to patent; Respondents to elect between profits and damages; Applicants' counterclaim dismissed
January 22, 1999 Federal Court of Appeal (Stone, Létouneau and Sexton JJ.A.)	Applicants' appeal dismissed
March 23, 1999 Supreme Court of Canada	Application for leave to appeal filed

MAY 10, 1999 / LE 10 MAI 1999

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

A.R.B.

v. (26918)

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

NATURE OF THE CASE

Criminal law - Evidence - Trial - Charge to the jury - Sexual intercourse with a female under the age of fourteen years and indecent assault - Whether evidence proposed to be tendered by the Applicant was collateral evidence or evidence relevant to an issue at trial - Whether Court of Appeal erred in dismissing Applicant's appeal on the erroneous charge to the jury as to the use which it could make of the evidence of good character on the apparent ground that defence counsel at trial failed to object to the charge - Whether Court of Appeal erred in dismissing Applicant's appeal on the erroneous charge to the jury on the concept of reasonable doubt on the apparent grounds that defence counsel at trial failed to object to the charge, and that the decision of this Court in *R. v. Lifchus*, [1997] 3 S.C.R. 320, as to the required instruction on reasonable doubt could somehow be distinguished from the present case.

PROCEDURAL HISTORY

May 14, 1996 Ontario Court of Justice (General Division) (MacDougall J.)	Conviction: one count of sexual intercourse with a female person under the age of 14; one count of indecent assault
August 28, 1996 Ontario Court of Justice (General Division) (MacDougall J.)	Conviction: Sexual intercourse with a female under the age of 14 and indecent assault
September 9, 1998	Appeal dismissed

Court of Appeal for Ontario (Finlayson and Abella JJ.A.
and Moldaver J.A. [dissenting])

October 8, 1998
Supreme Court of Canada

Notice of appeal as of right filed

March 1, 1999
Supreme Court of Canada
(Cory, McLachlin, Major, Bastarache and Binnie JJ.)

Motion to quash dismissed; Applicant granted extension
of time to file application for leave on other issues to
March 15, 1999

March 15, 1999
Supreme Court of Canada

Application for leave to appeal filed

Sa Majesté la Reine

c. (27159)

Bernard Palin (Crim.)(Qué.)

NATURE DE LA CAUSE

Droit criminel - Preuve - La Cour d'appel du Québec a-t-elle erré en droit relativement à son pouvoir d'intervention en matière de verdict déraisonnable, tel que défini dans les arrêts *R. c. Yebes*, [1987] 2 R.C.S. 168 et *R. c. Burns*, [1994] 1 R.C.S. 656?

HISTORIQUE PROCÉDURAL

Le 19 décembre 1994
Cour du Québec (Pelletier j.c.q.)

Condamnation: négligence criminelle causant la mort et
causant des lésions corporelles

Le 20 janvier 1999
Cour d'appel du Québec
(Fish, Deschamps et Robert jj.c.a.)

Appel accueilli: intimé acquitté

Le 17 février 1999
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Sa Majesté la Reine

c. (27160)

Réjean Ducharme (Crim.)(Qué.)

NATURE DE LA CAUSE

Droit criminel - Preuve - La Cour d'appel du Québec a-t-elle erré en droit relativement à son pouvoir d'intervention en matière de verdict déraisonnable, tel que défini dans les arrêts *R. c. Yebes*, [1987] 2 R.C.S. 168 et *R. c. Burns*, [1994] 1 R.C.S. 656?

HISTORIQUE PROCÉDURAL

Le 13 octobre 1994
Cour du Québec (Matte j.c.q.)

Condamnation: négligence criminelle causant la mort et
causant des lésions corporelles

Le 20 janvier 1999
Cour d'appel du Québec
(Fish, Deschamps et Robert jj.c.a.)

Appel accueilli: intimé acquitté

Le 17 février 1999
Cour suprême du Canada

Demande d'autorisation d'appel déposée

**Arthur David Gabriel, Percy Norbert Gabriel, Vernon Conrad Gabriel, Gary Vernon Catcheway,
Wilfred Joseph Catcheway, Judy Ann Catcheway, Warren Kenneth Catcheway
and Vernon Cory Gabriel**

and

Robert Joseph Houle and Gordon Arnold Catcheway

v. (27161)

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

NATURE OF THE CASE

Criminal law - Procedure - Bias - Whether Court of Appeal for Manitoba erred in ruling that there was no bias or reasonable apprehension of bias on the part of the trial judge such as to render his hearing of the trial incompatible with the principles of natural or fundamental justice - Whether Court of Appeal erred in denying the Applicants an opportunity to permit them to bring a motion to admit new evidence to the said Court to further establish a reasonable apprehension of bias on the part of the trial judge.

PROCEDURAL HISTORY

December 17, 1997
Court of Queen's Bench of Manitoba (Menzies J.)

Convictions: *inter alia*, mischief

February 1, 1999
Court of Appeal of Manitoba
(Huband J.A. [dissenting with respect to appeal against
sentence only] and Philp and Helper JJ.A.)

Appeals against convictions and sentences dismissed

March 31, 1999
Supreme Court of Canada

Application for leave to appeal filed by Arthur David
Gabriel et al.

April 6, 1999
Supreme Court of Canada

Application for leave to appeal filed by Robert Joseph
Houle et al.

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

Norman Elder

v. (27219)

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

NATURE OF THE CASE

Criminal law - Sentencing - Whether Court of Appeal erred by refusing to set aside the Applicant's custodial sentence of two years less a day and substitute a conditional sentence of imprisonment under section 742.1 of the *Criminal Code* - Alternatively, whether Court of Appeal erred by failing to set aside the Applicant's sentence and substitute a blended sentence comprised of a term of imprisonment followed by a conditional sentence of imprisonment ordered to be served consecutively pursuant to section 718.3(4)(c)(ii) of the *Code*.

PROCEDURAL HISTORY

March 12, 1998 Ontario Court of Justice (Provincial Division) (Finnestad P.C.J.)	Sentence on conviction for indecent assault: two years less one day imprisonment
March 11, 1999 Court of Appeal for Ontario (Doherty, Rosenberg and O'Connor JJ.A.)	Appeal dismissed
March 30, 1999 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**

Sa Majesté la Reine

c. (27050)

Marie-Suzanne Caouette (Crim.)(Qué.)

NATURE DE LA CAUSE

Charte canadienne - Droit criminel - Preuve - Déclarations de l'accusée - Admissibilité - Caractère libre et volontaire - Droit à l'assistance d'un avocat - Droit au silence - Art. 10 b) et 24(2) de la *Charte canadienne des droits et libertés* - Procès devant juge et jury - Voir-dire - Accusation de meurtre au premier degré et de complot pour commettre un meurtre - L'intimée ayant fait quatre déclarations à la police - Juge de première instance déclare admissibles trois des quatre déclarations - Verdict de culpabilité - Appel - Cour d'appel déclare inadmissible une des trois déclarations reçues en preuve - Nouveau procès ordonné - La Cour d'appel a-t-elle erré en droit en maintenant que la déclaration écrite par l'intimée avait été obtenue en violation de son droit au silence et de son droit à l'avocat, et que les policiers auraient dû cesser de l'interroger après que son avocat, qui l'avait rencontrée précédemment, leur eût recommandé de le faire? - La Cour d'appel a-t-elle erré en droit en décidant que les déclarations de l'intimée, lors de son transport du poste de police au palais de justice, n'étaient pas libres et volontaires dans le sens où elles n'étaient pas le fruit d'un esprit conscient, même si ces déclarations étaient spontanées, non sollicitées, cohérentes et logiques? - La Cour d'appel a-t-elle erré en droit en substituant son évaluation des faits à celle du juge de première instance quant au caractère libre et volontaire des déclarations de l'intimée?

HISTORIQUE PROCÉDURAL

Le 2 octobre 1995
Cour supérieure du Québec, Chambre criminelle
(Desjardins j.c.s.)

Trois des quatre déclarations écrites et orales faites par
l'intimée aux policiers jugées admissibles

Le 3 décembre 1995
Cour supérieure du Québec, Chambre criminelle
(Desjardins j.c.s.)

Intimée déclarée coupable de meurtre avec
préméditation et de complot pour meurtre

Le 11 novembre 1998
Cour d'appel du Québec
(Baudouin, Brossard et Letarte [*ad hoc*] jj.c.a.)

Appel accueilli; déclarations verbales déclarées
inadmissibles; verdict du 3 décembre 1995 infirmé et
nouveau procès ordonné

Le 29 décembre 1998
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Le juge Richard Therrien, j.c.q.

c. (27004)

Le ministre de la Justice et Procureur général du Québec (Qué.)

NATURE DE LA CAUSE

Charte canadienne - Libertés publiques - Droit constitutionnel - Tribunaux - Compétence - Indépendance judiciaire - Déontologie judiciaire - Procédure de destitution - Plainte de l'intimé au Conseil de la magistrature au motif que le demandeur a omis de divulguer ses antécédents judiciaires au comité de sélection des candidats à la magistrature - Validité constitutionnelle de l'art. 95 de la Loi sur les tribunaux judiciaires, L.R.Q., ch. T-16, qui prévoit que le gouvernement ne peut démettre un juge que sur un rapport de la Cour d'appel fait après enquête, sur requête du ministre de la Justice - Nature et portée du pouvoir d'enquête ainsi octroyé à la Cour d'appel - Nombre de juges devant exercer ce pouvoir - La Cour d'appel peut-elle recommander la destitution d'un juge aux termes de l'art. 95? - La Cour d'appel a-t-elle erré en décidant que cette procédure spéciale rendait inutile l'exercice par la Cour supérieure de sa compétence normale en matière de contrôle judiciaire et de jugement déclaratoire? - Le juge Therrien a-t-il été privé de ses voies de recours? - Portée juridique du pardon octroyé en vertu de l'art. 5b) de la Loi sur le casier judiciaire, L.R.C. (1985), ch. C-47 - Applicabilité de l'art. 18.2 de la Charte des droits et libertés de la personne, L.R.Q., ch. C-12 - Le juge Therrien avait-il l'obligation légale de révéler ses antécédents judiciaires? - La Cour suprême a-t-elle compétence pour disposer de la demande d'autorisation d'appel du demandeur à l'encontre du rapport d'enquête et des jugements de la Cour d'appel?

HISTORIQUE PROCÉDURAL

Le 11 juillet 1997 Comité d'enquête du Conseil de la magistrature du Québec (Lachapelle, Caron, Lalande, Quesnel et Rivet [dissidente en partie])	Rapport d'enquête majoritaire concluant que la plainte du ministre de la Justice est fondée et recommandant la destitution du juge Therrien au motif qu'il ne pouvait accomplir son rôle avec dignité, honneur et impartialité
Le 22 juillet 1997 Conseil de la magistrature du Québec	Recommandation à l'intimé de présenter une requête à la Cour d'appel afin qu'elle fasse un rapport après enquête (art. 279 <i>L.T.J.</i>)
Le 26 janvier 1998 Cour supérieure du Québec (Cliche j.c.s.)	Requêtes en irrecevabilité de l'intimé à l'encontre de la requête en révision judiciaire et de la requête pour jugement déclaratoire du demandeur rejetées
Le 14 mai 1998 Cour d'appel du Québec (Michaud j.c.q., Beaugard [dissident en partie], LeBel, Delisle et Forget jj.c.a.)	Pourvois de l'intimé à l'encontre des décisions du juge Cliche accueillis: la Cour se déclare compétente pour disposer de toute question de faits et de droit dans le cadre de son enquête
Le 16 juin 1998 Cour d'appel du Québec (Michaud j.c.q., Beaugard, LeBel, Delisle et Forget, jj.c.a.)	Requête en sursis rejetée
Le 28 octobre 1998 Cour d'appel du Québec (Michaud j.c.q., Beaugard, LeBel, Delisle et Forget jj.c.a.)	Rapport après enquête (art. 95 <i>L.T.J.</i>) recommandant au gouvernement de révoquer la commission du juge Therrien
Le 23 novembre 1998 Cour suprême du Canada	Demande d'autorisation d'appel et requête en prorogation de délai déposées

Harbanse Singh Doman (file 27026); Russell James Bennett (file 27031)

v.

**The Superintendent of Brokers, now known as the Executive
Director, and the British Columbia Securities Commission (B.C.)**

NATURE OF THE CASE

Administrative law - Judicial review - Natural justice and fairness - Adequate notice - Commercial law - Securities - Securities regulation - Trading in securities - Insider Trading - *Securities Act*, S.B.C. 1985, as amended - Whether the Court of Appeal erred in upholding the decision of the Respondent Commission in light of the Commission's finding that the Applicant was involved in insider trading prior to August 24, 1988, and the fact that no specific allegation of such insider trading was contained in the Amended Notice of Hearing - What is the extent to which notice and particulars of facts are required to be given in Notices of Hearing in order to conform with the principles of natural justice? - Application of the decision in *Canada (Attorney General) v. Canada (Commission of Inquiry on the Blood System in Canada - Krever Commission)*, [1997] 3 S.C.R. 440.

PROCEDURAL HISTORY

August 28, 1996
British Columbia Securities Commission
(Browne, Clark, Davison and Lien, Members)

Penalties imposed against Applicants for committing breaches of s. 68 of the *Securities Act*, S.B.C. 1985, c. 83

October 14, 1998
Court of Appeal of British Columbia
(Rowles, Prowse and Huddart JJ.A.)

Appeal allowed in part; matter of penalty remitted to the Commission for its determination

December 11, 1998
Supreme Court of Canada

Application for leave to appeal filed by Harbanse Singh Doman (file 27026)

December 14, 1998
Supreme Court of Canada

Application for leave to appeal filed by Russell James Bennett (file 27031)

Paddon Hughes Development Co. Ltd.

v. (27030)

**Pancontinental Oil Ltd., Inverness Resources Inc.,
and Inverness Energy Ltd. (Alta.)**

NATURE OF THE CASE

Commercial law - Property law - Leases - Contracts - Interpretation - Extrinsic evidence - Parol evidence rule - Whether Court of Appeal erred in failing to consider clauses which had been deleted from a contract on the basis of the parol evidence rule - Whether Court of Appeal erred in interpreting contract to permit payment of a delay rental by mail - Whether Court of Appeal erred in interpreting contract to provide that payment was effected when mailed rather than delivered.

PROCEDURAL HISTORY

September 5, 1995
Court of Queen's Bench of Alberta (Chrumka J.)

Action dismissed

October 20, 1998
Court of Appeal of Alberta
(Côté, O'Leary and Russell JJ.A.)

Appeal dismissed

December 17, 1998
Supreme Court of Canada

Application for leave to appeal filed

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

Ronald Clement

v. (27078)

**Attorney General for Ontario, The Administrator of the Penetanguishene Mental Health Centre and The
Administrator of the Whitby Mental Health Centre (Crim.)(Ont.)**

NATURE OF THE CASE

Criminal Law – Procedural Law – Appeals – Standard of review - The effect of the Court of Appeal’s reversal of the decision of the Ontario Review Board on the exercise of power, discretion and expertise of a Review Board - Whether the reversal of the Review Board’s decision amounts to a direction by the Court of Appeal that, when the only information provided at a hearing is that of the hospital staff, a Review Board is obliged to make a disposition in accordance with the hospital’s position.

PROCEDURAL HISTORY

April 15, 1998 Ontario Review Board (Michener, Alternate Chairperson, Rae-Grant and Meagher, members)	Transfer to a medium security facility ordered
January 12, 1999 Court of Appeal for Ontario (Brooke, Osborne and Goudge JJ.A.)	Appeal allowed
March 11, 1999 Supreme Court of Canada	Application for leave to appeal filed

S. A.-K.

v. (27038)

A.C., Alberta Child Welfare Director and M. A.-K. (Alta.)

NATURE OF THE CASE

Procedural law - Did lower courts err in disposition of case.

PROCEDURAL HISTORY

June 20, 1997 Provincial Court of Alberta (Family & Youth Court) (Carruthers J.)	Custody of Applicant’s daughter granted to the Alberta Child Welfare Director pending trial; order that parents attend for an assessment
August 25, 1997 Court of Queen's Bench of Alberta (Clark J.)	Appeal of order of Carruthers J. made on June 20, 1997 set for hearing; balance of relief requested by Applicant denied
October 15, 1997	Appeal from order of Carruthers J. dismissed

Court of Queen's Bench (Kenny J.)

October 19, 1998
Court of Appeal of Alberta
(O'Leary, Bracco and Hetherington JJ.A.)

Applicant's application to restore his appeals dismissed;
order that Applicant seek leave of a single justice of the
Court of Appeal prior to filing any further motion or appeal
within that Court

December 18, 1998
Supreme Court of Canada

Application for leave to appeal filed

Northwood Pulp and Timber Limited

v. (27033)

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

NATURE OF THE CASE

Taxation - Assessment - Business Tax - Deductions - Section 18(1)(a) of the *Income Tax Act* - Determining profit - Reforestation costs - Costs of inventory or period costs - Generally accepted accounting principles and commercial practice - Whether the lower courts erred in finding that the reforestation costs were period costs.

PROCEDURAL HISTORY

January 19, 1996
Tax Court of Canada
(Margeson J.T.C.C.)

Appeals from the assessments for the 1988 to 1991
taxation years allowed: assessments referred back to
Minister for reconsideration and reassessment; appeal
with respect to the 1987 taxation year dismissed

October 22, 1998
Federal Court of Appeal
(Isaac C.J., Linden and Sexton JJ.A.)

Appeal dismissed: judgment of the Tax Court of Canada
affirmed

December 17, 1998
Supreme Court of Canada

Application for leave to appeal filed

Prem Malhotra

v. (27034)

Attorney General of Canada (F.C.A.)

NATURE OF THE CASE

Procedural law - Does a question of public importance emerge from the procedural rulings of the courts below in that the Applicant's Statement of Claim should be struck out as disclosing no reasonable cause of action, on the basis of *res judicata*?

PROCEDURAL HISTORY

August 16, 1996

Motion seeking an order striking the Applicant's

Federal Court of Canada, Trial Division
(Giles, A.S.P.)

Statement of Claim as revealing no cause of action
granted; Statement of Claim struck out and action
dismissed

October 23, 1996
Federal Court of Canada, Trial Division
(Jerome A.C.J.)

Appeal dismissed

October 27, 1998
Federal Court of Appeal
(Isaac C.J., Linden and Sexton JJ.A.)

Further appeal dismissed

December 17, 1998
Supreme Court of Canada

Application for leave to appeal filed

Jack Douglas Pringle

v. (26935)

London City Police Services Board and Dean Lees (Ont.)

NATURE OF THE CASE

Procedural law - Did lower courts err in disposition of case.

PROCEDURAL HISTORY

January 5, 1998
Ontario Court of Justice (General Division) (Morin J.)

Respondents' motion for an order dismissing the action
allowed; Applicant's action dismissed

June 26, 1998
Court of Appeal for Ontario
(Krever, Carthy and Osborne JJ.A.)

Appeal dismissed

October 26, 1998
Supreme Court of Canada

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

**JUDGMENTS ON APPLICATIONS
FOR LEAVE**

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

MAY 13, 1999 / LE 13 MAI 1999

27015 **TIN WIS RESORT LTD. - v. - ASSESSOR OF AREA #05 - PORT ALBERNI** (B.C.)

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is dismissed with costs.

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

NATURE OF THE CASE

Procedural law - Appeal - Taxation - Review of a chambers judge's decision to deny leave to appeal - Corporate resort on leased, Indian reserve land was taxed by First Nations without a taxation certificate and under a bylaw not yet approved by Minister - Corporate resort also taxed by municipal district supplying municipal services to reserve - Assessment Appeal Board of British Columbia submitted a stated case asking if its municipal assessor had jurisdiction to assess the property - Leave to appeal from the judgment on the stated case denied by a judge in chambers - Whether full panel of Court of Appeal erred in not interfering with chambers judge's decision.

PROCEDURAL HISTORY

December 10, 1997 Supreme Court of British Columbia (Satanove J.)	Respondent held entitled to assess the Applicant for municipal taxation on a stated case
May 21, 1998 Court of Appeal of British Columbia (Macfarlane J.A., in chambers)	Application for leave to appeal dismissed
October 8, 1998 Court of Appeal of British Columbia (Lambert, Esson and Braidwood JJ.A.)	Application to revise judgment dismissed
December 7, 1998 Supreme Court of Canada	Application for leave to appeal filed

27173 **K.M.E. - v. - HER MAJESTY THE QUEEN**(Crim.)(B.C.)

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Criminal - Pre-trial Procedure - Young Offenders - Transfer of young offender to ordinary court - Whether principles underlying transfers of Young Offenders were properly interpreted - Whether consideration of seriousness of offence and general deterrence improperly resulted in ignoring individualized treatment of accused - *Young Offenders Act*, R.S.C. 1985, c. Y-1.

PROCEDURAL HISTORY

February 27, 1998 Youth Court of British Columbia (Chaperon J.)	Applicant transferred to ordinary court
February 8, 1999 Court of Appeal for British Columbia (Hollinrake, Rowles, Finch JJ.A.)	Appeal dismissed
March 10, 1999 Supreme Court of Canada	Application for leave to appeal filed

27053 **BRUCE WILLIAM SILLIKER - v. - HER MAJESTY THE QUEEN** (Crim.)(B.C.)

CORAM: Cory, Major and Binnie JJ.

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

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

NATURE OF THE CASE

Criminal law - Trial - Charge to jury - Unanimity - Whether the trial judge properly instructed the jury - Whether the Court of Appeal erred in holding that the trial judge did not give a charge to the jury amounting to mis-direction on the question of the right to disagree in their verdict.

PROCEDURAL HISTORY

January 20, 1994 Supreme Court of British Columbia (Hutchison J.)	Conviction: Sexual interference
October 20, 1995 Court of Appeal for British Columbia (Goldie, Finch, and Ryan JJ.A.)	Application to adduce fresh evidence denied; appeal dismissed
December 24, 1998 Supreme Court of Canada	Application for leave to appeal and motion for an extension of time filed

26488 **ELLEN LABELLE - v. - THE LAW SOCIETY OF UPPER CANADA; ROBERT HOWE, JENNIFER MACKINNON, HUGH BRENNAN; THE ATTORNEY GENERAL FOR ONTARIO**
(Ont.)

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The application for reconsideration of the application for leave to appeal is dismissed.

La requête visant à obtenir le réexamen de la demande d'autorisation d'appel est rejetée.

5.5.1999

Before / Devant: THE REGISTRAR

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

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

Allan Granovsky

v. (26615)

Minister of Employment and Immigration (F.C.A.)

GRANTED / ACCORDÉE Time extended to April 30, 1999, *nunc pro tunc*.

6.5.1999

Before / Devant: LE REGISTRAIRE

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

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

Ville de Boisbriand, et al.

c. (26583)

Commission des droits de la personne et des droits de la jeunesse, et al. (Qué.)

GRANTED / ACCORDÉE Délai prorogé au 26 avril 1999.

6.5.1999

Before / Devant: THE REGISTRAR

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

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

Bert Moxham

v. (27180)

Her Majesty the Queen in Right of Canada, et al. (F.C.A.)

GRANTED / ACCORDÉE Time extended to April 22, 1999.

6.5.1999

Before / Devant: THE REGISTRAR

Motion to file a lengthy memorandum of argument on leave to appeal and a reply factum**Requête visant le dépôt d'un long mémoire sur une demande d'autorisation et d'un mémoire en réplique**

Huor Chieu

v. (27107)

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

GRANTED / ACCORDÉE Motion to file a 23-page memorandum of argument and a 6-page reply granted.

6.5.1999

Before / Devant: LE REGISTRAIRE

Requête en prorogation du délai imparti pour signifier et produire un mémoire de 35 pages en réponse à la demande d'autorisation d'appel et à la requête pour amender la déclaration**Motion to extend the time in which to serve and file a 35-page factum in response to the application for leave to appeal and to the motion for an order amending the statement of claim**

Gabrielle Caux Nadeau, et al.

c. (27225)

Rose Nadeau, et al. (Qué.)

GRANTED / ACCORDÉE Délai prorogé au 4 juin 1999.

6.5.1999

Before / Devant: LE REGISTRAIRE

Requête en jonction ou en substitution de parties**Motion to add or substitute parties**

Natalie Charbel

c. (27155)

Daniel Tzintzis, et al. (Qué.)

GRANTED / ACCORDÉE

La requête de l'intimée en reprise d'instance La Commission scolaire Sir Wilfred Laurier pour obtenir une ordonnance lui permettant de se substituer à l'intimée Commission scolaire Laurenval est accordée.

7.5.1999

Before / Devant: THE REGISTRAR

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

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

Will-Kare Paving & Contracting Limited

v. (26601)

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

GRANTED / ACCORDÉE Time extended to May 14, 1999.

7.5.1999

Before / Devant: THE REGISTRAR

Motion to extend the time in which to serve and file the respondents' response

Requête en prorogation du délai imparti pour signifier et déposer la réponse des intimés

Lynn Isert

v. (27190)

Ma Rojwena Garcia Santos, et al. (B.C.)

GRANTED / ACCORDÉE Time extended to April 26, 1999.

10.5.1999

Before / Devant: CORY J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Canadian Foundation for Children,
Youth and the Law

IN/DANS: F.N.

v. (26805)

Her Majesty the Queen, et al.
(Crim.)(Nfld.)

GRANTED / ACCORDÉE

1. The motion for leave to intervene of the applicant Canadian Foundation for Children, Youth and the Law 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 10 minutes.

The intervener shall not be entitled to adduce further evidence or otherwise to supplement the record apart from its factum and oral submissions.

Pursuant to Rule 18(6), the intervener shall pay to the appellant and respondents any additional disbursements occasioned to the appellant and respondents by the intervention.

10.5.1999

Before / Devant: CORY J.

Motion to extend the time in which to serve and file the application for leave

Requête en prorogation du délai imparti pour signifier et déposer la demande d'autorisation

Frederick W.L. Black

v. (26985)

ABN Amro Bank Canada (N.S.)

GRANTED in part / ACCORDÉE en partie

The application to extend time for leave to appeal the Order of the Nova Scotia Court of Appeal dated the 24th of July 1998 is granted subject to the following conditions:

- a) The applicant will complete, serve and file the application for leave to appeal on or before the 1st of June, 1999.
 - b) The perfection of the application for leave to appeal is to be completed without regard to any proceedings for breach of trust that the applicant may see fit to institute.
 - c) The various costs awards made against Frederick Black and referred to in the reasons of both Justice Hallett writing for the majority and Justice Cromwell for the minority are to be paid in full by bank draft, certified cheque or cash on or before the 31st day of May, 1999.
 - d) If these conditions are not fulfilled, this application is to be dismissed with costs.
-

**NOTICE OF APPEAL FILED SINCE
LAST ISSUE**

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

4.5.1999

J.C.

v. (27109)

Her Majesty the Queen et al. (Ont.)

5.5.1999

Bradley Sawyer

v. (27277)

Her Majesty the Queen (Ont.)

AS OF RIGHT

5.5.1999

Arthur Avetysan et al.

v. (27279)

Her Majesty the Queen (Nfld.)

AS OF RIGHT

WEEKLY AGENDA

ORDRE DU JOUR DE LA SEMAINE

AGENDA for the week beginning May 17, 1999.

ORDRE DU JOUR pour la semaine commençant le 17 mai 1999.

<u>Date of Hearing/ Date d'audition</u>	<u>Case Number and Name/ Numéro et nom de la cause</u>
1999/05/17	Her Majesty the Queen in Right of Newfoundland, et al. v. Andrew Wells (Nfld.)(26362)
1999/05/19	Her Majesty the Queen v. W.J.F. (Sask.) (Crim.)(26854)

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.

26362 *Her Majesty The Queen in Right of Newfoundland and Board of Commissioners of Public Utilities v. Andrew Wells*

Constitutional Law - Division of Powers - Administrative Law - Statutory office abolished and statutory office holder dismissed without compensation following enactment of replacement Act - Office holder not appointed to replacement board - Whether the majority of the Court of Appeal erred in holding that no distinction exists between the Legislature and the Executive, which undermines the supremacy of the Legislature in matters within its constitutional competence - Whether the majority erred in declining to follow *Reilly v. The King* [1934] A.C. 176 (P.C.) - Whether duty of fairness arises - Whether the office holder has a right to damages.

In August 1985, the Respondent was appointed to be a member of the Public Utilities Board with the designation Commissioner (Consumer Representative) under the provisions of the *Public Utilities Act*, R.S.N. 1970, c.322. He was entitled to hold office during good behaviour until he attained the age of 70 years. On September 19, 1985, he was sworn in as Commissioner.

On April 6, 1988, the Executive Council of the Government of Newfoundland ordered the Department of Justice, the Department of Transportation and the Treasury Board Secretariat to assess the need for the board due to a substantially decreased work load and the impact of a decision by this Court on its regulatory authority over telephone utilities. The board had lost jurisdiction over two areas of authority that had accounted for a substantial amount of its work.

A new *Public Utilities Act* was prepared, introduced, approved by Cabinet and, on February 16, 1990, proclaimed into force. The new legislation established the office of consumer advocate and removed the old board from office. As a result, the Respondent ceased to hold office on that date. The Respondent received no compensation. He was not reappointed to the new board, however, the former chairman and vice-chairman of the Board were reappointed. Two other former board members were not reappointed. The Respondent was asked by the Minister of Justice whether he was interested in filling the office of consumer advocate but he advised the Minister that he had no interest in the position. The Respondent's salary on the date of his termination was \$70,058 per year.

The Respondent commenced an action seeking damages. His action was dismissed by the Supreme Court of Newfoundland, Trial Division. He successfully appealed to the Court of Appeal which found Her Majesty the Queen in Right of Newfoundland to be in breach of statutory and contractual obligations. The Court of Appeal awarded damages equivalent to two and one-half years of salary plus pension benefits.

Origin of the case:	Newfoundland
File No.:	26362
Judgment of the Court of Appeal:	October 6, 1997
Counsel:	Reg Locke for the Appellants Gillian D. Butler Q.C. for the Respondent

26362 *Sa Majesté la Reine du chef de Terre-Neuve et Board of Commissioners of Public Utilities c. Andrew Wells*

Droit constitutionnel - Répartition des compétences - Droit administratif - Abolition d'un poste créé par la loi et renvoi du titulaire du poste sans indemnisation après adoption d'une nouvelle loi - Titulaire du poste non nommé dans le poste de remplacement - La Cour d'appel à la majorité a-t-elle commis une erreur en statuant qu'il n'y a, entre le pouvoir législatif et le pouvoir exécutif, aucune distinction qui mine la suprématie du pouvoir législatif dans des matières qui relèvent de sa compétence constitutionnelle? - La Cour d'appel à la majorité a-t-elle commis une erreur en refusant de suivre *Reilly c. The King*, [1934] A.C. 176 (C.P.)? - L'obligation d'agir avec équité est-elle en cause? - Le titulaire du poste a-t-il droit à des dommages-intérêts?

En août 1985, l'intimé a été nommé membre du Public Utilities Board à titre de commissaire (représentant des consommateurs) en vertu de la *Public Utilities Act*, R.S.N. 1970, ch. 322. Il avait le droit de détenir sa charge à titre inamovible, jusqu'à l'âge de 70 ans. Le 10 septembre 1985, il a été assermenté commissaire.

Le 6 avril 1988, le conseil exécutif du gouvernement de Terre-Neuve a ordonné au ministère de la Justice, au ministère des Transports et au Secrétariat du Conseil du trésor d'évaluer la nécessité de conserver la Commission, à cause d'une diminution importante de sa charge de travail et de l'incidence d'un arrêt de notre Cour sur son pouvoir de réglementer les services de téléphone. La Commission avait perdu compétence sur deux domaines qui avaient représenté une partie importante de son travail.

Une nouvelle *Public Utilities Act* a été préparée, présentée et approuvée par le cabinet et, le 16 février 1990, proclamée en vigueur. La nouvelle loi établissait le poste de porte-parole des consommateurs et supprimait l'ancienne commission. En conséquence, l'intimé a cessé de détenir son poste ce jour-là. L'intimé n'a reçu aucune indemnisation. Il n'a pas été nommé membre de la nouvelle commission, mais les anciens président et vice-président de la Commission l'ont été. Deux autres anciens membres de la Commission n'ont pas été nommés. Le ministère de la Justice a demandé à l'intimé s'il était intéressé à occuper le poste de porte-parole des consommateurs, mais celui-ci a avisé le ministre que le poste ne l'intéressait pas. À la date de sa cessation d'emploi, l'intimé touchait un traitement annuel de 70 058 \$.

L'intimé a intenté une action en dommages-intérêts. La Division de première instance de la Cour suprême de Terre-Neuve a rejeté son action. La Cour d'appel a accueilli son appel, concluant que Sa Majesté la Reine du chef de Terre-Neuve avait violé des obligations légales et contractuelles. La Cour d'appel a accordé des dommages-intérêts équivalant à deux ans et demi de salaire plus les prestations de retraite.

Origine:	Terre-Neuve
N° du greffe:	26362
Arrêt de la Cour d'appel:	Le 6 octobre 1997
Avocats:	Reg Locke pour les appelants Gillian D. Butler, c.r., pour l'intimé

26854 *Her Majesty The Queen v. W.J.F.*

Criminal law - Evidence - Trial - Procedural law - Child witness - Whether the trial judge was correct in holding that it was necessary for the Crown to tender evidence to explain the reason why a child witness would not answer questions put to her before permitting out of court statements made by the child to be introduced into evidence pursuant to *R. v. Khan* [1990] 2 S.C.R. 531 - Whether the trial judge was correct in finding that the requirement of necessity had not been established when a child witness is unresponsive and avoids answering questions put to her.

The complainant was born December 2, 1990. Sexual assaults were said to have taken place between May 1, 1996 and January 21, 1997. She told her story to many family members and to the police in a videotaped statement. She testified for the first time in court on August 19, 1997.

The trial judge allowed the child to testify behind a screen and she was behind the screen before the accused entered the courtroom. The complainant was further allowed to have a support person sitting beside her and as a further consideration, members of the public were excluded from the courtroom. The trial judge conducted the examination to determine whether she understood the nature of an oath. Many responses demonstrated that the complainant was simply nodding or shaking her head. The trial judge noted that it was going to be with some difficulty for the complainant to communicate the evidence. In determining whether the complainant could testify on oath, many of the complainant's responses were non-verbal or nonexistent.

The examination in chief began with several preliminary questions about age, family and school which the complainant answered with one word or a simple phrase. When counsel asked if someone had done something to make her uncomfortable, there was a series of insufficient responses. The Crown tried to have the complainant adopt the contents of her videotape to permit its receipt under s. 715.1 of the *Criminal Code*. The complainant would not respond to any of the questions. A *voir dire* was held pursuant to s. 715.1 of the *Criminal Code* to rule on the admissibility of out-of-court statements including the videotaped statements. The complainant did not answer questions put to her by the Crown and did not adopt the contents of the videotape. The trial judge ruled that the Crown had not shown that it was reasonably necessary to admit the out-of-court statements for the truth of their contents. The Crown presented no further evidence and the trial judge acquitted the Respondent. On appeal, the Crown appeal was dismissed. Jackson J.A. dissented holding that the error in this case rested upon too narrow a definition of necessity which in turn placed too onerous a burden on the Crown.

Origin of the case:	Saskatchewan
File No.:	26854
Judgment of the Court of Appeal:	September 3, 1998
Counsel:	Daryl Rayner for the Appellant David W. Andrews for the Respondent

26854 *Sa Majesté la Reine c. W.J.F.*

Droit criminel — Preuve — Procès — Droit procédural — Témoignage d'enfant — Le juge du procès a-t-il eu raison de statuer que le ministère public devait présenter une preuve expliquant pourquoi une enfant assignée comme témoin ne répondrait pas aux questions qui lui étaient posées, avant de permettre que des déclarations extrajudiciaires faites par l'enfant ne soient présentées en preuve conformément à l'arrêt *R. c. Kahn*, [1990] 2 R.C.S. 531 — Le juge du procès a-t-il eu raison de conclure qu'il n'avait pas été satisfait au critère de nécessité, lors de son témoignage, l'enfant se montrait vague et refusait de répondre aux questions qui lui étaient posées?

La plaignante est née le 2 décembre 1990. Les agressions sexuelles auraient été commises entre le 1^{er} mai 1996 et le 21 janvier 1997. Elle a raconté ce qui lui est arrivé à plusieurs membres de sa famille et à la police lors d'une déposition enregistrée sur vidéo. Elle a témoigné pour la première fois en cour le 19 août 1997.

Le juge du procès a permis que l'enfant témoigne derrière un écran et c'est derrière cet écran qu'elle se trouvait lorsque l'accusé est entré dans la salle d'audience. La plaignante a pu aussi avoir près d'elle une personne pour la rassurer et de plus, le public n'a pu entrer dans la salle d'audience. Le juge du procès a interrogé la plaignante pour s'assurer qu'elle comprenait le sens d'une assermentation. La plaignante a répondu à plusieurs questions en faisant oui ou non avec sa tête et le juge du procès a fait remarquer qu'il allait être difficile pour la plaignante de faire son témoignage. Lors de cet examen de la capacité de la plaignante de témoigner sous serment, à plusieurs des questions posées, soit qu'elle répondait de façon non verbale, soit qu'elle ne répondait pas du tout.

L'interrogatoire principal a commencé par plusieurs questions préliminaires quant à son âge, sa famille et son école, auxquelles la plaignante a répondu par un mot ou une courte phrase. Lorsque l'avocat lui a demandé si quelqu'un avait fait quelque chose qui la rendait inconfortable, elle a donné une série de réponses insuffisantes. Le ministère public a essayé de faire confirmer par la plaignante le contenu de son témoignage sur vidéo, afin de pouvoir le déposer en preuve en vertu de l'art. 715.1 du *Code criminel*. La plaignante s'est refusée à toute interrogation. Un voir-dire a été tenu conformément à l'art. 715.1 du *Code criminel* afin qu'il puisse être déterminé si les déclarations extrajudiciaires, y compris l'enregistrement vidéo, étaient admissibles en preuve. La plaignante n'a pas répondu aux questions que lui posait le ministère public et n'a pas confirmé le contenu de l'enregistrement vidéo. Le juge du procès a statué que le ministère public n'avait pas montré qu'il était raisonnablement nécessaire d'admettre les déclarations extrajudiciaires comme faisant foi de leur contenu. Le ministère public n'a présenté aucune autre preuve et le juge du procès a acquitté l'intimé. L'appel du ministère public a été rejeté. Le juge Jackson, dissident, a statué qu'une erreur avait été commise en l'espèce, en ce sens qu'une définition trop étroite de nécessité avait été adoptée, rendant le fardeau de la preuve du ministère public trop lourd.

Origine : Saskatchewan
N° du greffe : 26854
Arrêt de la Cour d'appel : 3 septembre 1998
Avocats : Daryl Rayner pour l'appelante
David W. Andrews pour l'intimé

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 7, 1999

Service : May 17, 1999

Filing : May 24, 1999

Respondent : May 31, 1999

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 : 7 juin 1999

Signification : 17 mai 1999

Dépôt : 24 mai 1999

Intimé : 31 mai 1999

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
	1	2	3	4	5	6
7	M 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:



18 sitting weeks / semaines séances de la cour

81 sitting days / journées séances de la cour

9 motion and conference days / journées requêtes, conférences

3 holidays during sitting days / jours fériés durant les sessions