

**SUPREME COURT
OF CANADA**



**COUR SUPRÊME
DU CANADA**

**BULLETIN OF
PROCEEDINGS**

**BULLETIN DES
PROCÉDURES**

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**APPLICATIONS FOR LEAVE TO
APPEAL FILED**

Gary John Lazeo
Jeffrey Green
Green & Claus

v. (27830)

Her Majesty the Queen (B.C.)
S. David Frankel, Q.C.
A.G. of Canada

FILING DATE 15.5.2000

Sylvio Monachino
Hillel David
Aylesworth Thompson Phelan O'Brien LLP

v. (27902)

**Liberty Mutual Fire Insurance Company et al.
(Ont.)**
Donald G. Martin, Q.C.
Thompson, Tooze, McLean, Rollo & Elkin

FILING DATE 9.5.2000

Phillip Rosen
Phillip Rosen

v. (27903)

Her Majesty the Queen (F.C.A.)
Robert M. Gosman
A.G. of Canada

FILING DATE 10.5.2000

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

Dr. Sukhbir Singh Sandhu
Sidney Green, Q.C.

v. (27904)

**The College of Physicians & Surgeons of
Manitoba (Man.)**
Regina Novek
College of Physicians & Surgeons

FILING DATE 11.5.2000

Thierry Van Doosselaere et al.
Mark E. Meland
Goldstein, Flanz & Fishman, G.P.

v. (27905)

Holt Cargo Systems Inc. et al. (Que.)
Pierre G. Côté
Ogilvy Renault

FILING DATE 12.5.2000

Stéphane Bourbeau
Alyne Pearson
Desruisseaux, Desbiens

c. (27906)

Sa Majesté la Reine (Qué.)
Robert Parrot
Procureur général du Québec

DATE DE PRODUCTION 12.5.2000

Steeve Martel
Richard Dubé
Dubé, Grenier & Tassoni

c. (27907)

Sa Majesté la Reine (Qué.)
Robert Parrot
Procureur général du Québec

DATE DE PRODUCTION 12.5.2000

2953-6778 Québec Inc.

Luc Alarie
Alarie, Legault, Beauchemin, Paquin, Jobin,
Brisson & Philpot

c. (27908)

Michael Gallagher et al. (Qué.)

Sandor J. Klein
de Grandpré Chait, s.e.n.c.

DATE DE PRODUCTION 12.5.2000

Terry Lee Meidel

John W. Conroy, Q.C.
Conroy & Company

v. (27909)

Her Majesty the Queen (B.C.)

S. David Frankel, Q.C.
A.G. of Canada

FILING DATE 15.5.2000

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

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

MAY 16, 2000 / LE 16 MAI 2000

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

Ashkan Jabarianha

v. (27725)

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

NATURE OF THE CASE

Criminal law - Evidence - Accused's exculpatory evidence at trial corroborated by witness - Whether it is permissible in cross-examination to ask a defence witness about the impact of s. 13 of the *Canadian Charter of Rights and Freedoms* on his decision to testify.

PROCEDURAL HISTORY

September 5, 1997
Supreme Court of British Columbia
(Koenigsberg J.)

Applicant convicted on one count of breaking and entering,
and on a second count of possessing stolen property

November 26, 1999
Court of Appeal of British Columbia
(McEachern C.J.B.C.A., Finch and Hall JJ.A.)

Appeal against conviction on first count dismissed;
conviction on second count set aside and conditional stay
of proceedings entered

January 27, 2000
Supreme Court of Canada

Application for leave to appeal filed

Everett Kakfwi

v. (27577)

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

NATURE OF THE CASE

Taxation - Native Law - *Indian Act* - Statutory interpretation - Chief of Band received salary from Band paid out of monies provided by Her Majesty the Queen through the Band Support Funding Program - Whether employment income of Chief is exempt from tax pursuant to sections 87 and 90 of the *Indian Act* - Whether paragraph 90(1)(b) of the *Indian Act* is to be read narrowly so as to deny the exemptions from taxation conferred by sections 87 and 89, or whether it is to be read literally so as to allow the exemptions - Whether paragraph 90(1)(b) of the *Indian Act* includes only agreements which are ancillary to a treaty

PROCEDURAL HISTORY

November 28, 1997
Tax Court of Canada
(Bowie J.T.C.C.)

Appeal by Applicant from the assessment made under the *Income Tax Act* for the 1992 taxation year allowed: assessment referred back to the Minister of National Revenue

September 8, 1999
Federal Court of Appeal
(Marceau, Noël and Sexton JJ.A.)

Appeal by Respondent allowed: decision of the Tax Court set aside and matter referred back to the Tax Court for it to reopen the trial on secondary issue

November 8, 1999
Supreme Court of Canada

Application for leave to appeal filed

The Corporation of the City of Thunder Bay

v. (27549)

1037618 Ontario Inc. and 1191111 Ontario Limited (Ont.)

NATURE OF THE CASE

Municipal law - Assessment - Statutory Interpretation - Proper calculation of interest and penalties owing as a result of failure to pay property taxes - Whether interest and penalties should be calculated on original or revised assessment - *Assessment Act*, R.S.O. 1990, c. A.31; *Municipal Tax Sales Act*, R.S.O. 1990, c. M.60; *Municipal Act*, R.S.O. 1990, c. M.45; *Municipal Interest and Discount Rates Act*, R.S.O. 1990, c. M.58.

PROCEDURAL HISTORY

April 27, 1998
Ontario Court of Justice (General Division)
(Kozak J.)

Application by Respondents for calculation of interest and penalties on unpaid taxes to be based on new assessed value of property granted: cancellation price to be \$449,342.64

August 19, 1999
Court of Appeal for Ontario
(Carthy, Moldaver and Borins [dissenting] JJ.A.)

Appeal dismissed

October 18, 1999
Supreme Court of Canada

Application for leave to appeal filed

Paul Conway

v. (27519)

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

AND BETWEEN:

Paul Conway

v. (27519)

**Russel Fleming, George Kaytako, Brian Jones,
Kathy Finney, Burke Thompson, Sue Fraser, Kathy Jehle,
Pat Miller, Don Donnon, Harry Donaldson,
Geoff Eaughie, Jim Burt and Don Sharpen (Ont.)**

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Civil - Torts - Intentional torts - Battery - Patient of mental hospital restrained by use of chemical injection - Whether forcible use of chemical restraint constitutes battery - Whether authority of hospital staff to administer chemical restraint without patient's consent can arise from Lieutenant Governor's Warrant, common law and/or *Mental Health Act* - What is the correct interpretation and application of term "restraint" under *Mental Health Act* - Whether patient's rights under ss. 7 and 15 of *Charter* breached - Whether breach can be justified under s. 1 of *Charter*.

PROCEDURAL HISTORY

April 12, 1996 Ontario Court of Justice (General Division) (Gibson J.)	Applicant's actions dismissed Damages assessed at \$5,000 general and \$10,000 punitive and exemplary
March 26, 1999 Ontario Court (Divisional Court) (Southey, Chadwick and Haley JJ.)	Appeal dismissed
July 12, 1999 Court of Appeal for Ontario (Catzman, Labrosse and Moldaver JJ.A.)	Motion for leave to appeal dismissed
September 29, 1999 Supreme Court of Canada	Application for leave to appeal filed

Midland Mortgage Corporation

v. (27520)

Jawl & Bundon and Jeryl J. McLean (B.C.)

NATURE OF THE CASE

Torts - Negligence - Barristers and Solicitors - Duty to third party - Syndicated Financing - Did the Court of Appeal err in determining the proper approach as to whether a solicitor owes a duty of care to a third party who is not a party to the contract of retainer - Whether a solicitor's duty to a client supercedes a duty a solicitor may owe to a third party

PROCEDURAL HISTORY

February 18, 1997 Supreme Court of British Columbia	Judgment in favour of the Applicant
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(Tysoe J.)

March 24, 1999
Court of Appeal for British Columbia
(Southin, Hollinrake and Rowles JJ.A.)

7 day grace period to request further hearing, if no request made appeal shall be allowed

July 27, 1999
Court of Appeal for British Columbia
(Southin, Hollinrake and Rowles JJ.A.)

Supplementary reasons: The appeal is allowed and the Applicant's case is dismissed

September 29, 1999
Supreme Court of Canada

Application for leave to appeal filed

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

Alain Guyot and Sylvie Pagé

v. (27739)

Her Majesty the Queen (Crim.)(Qué.)

NATURE OF THE CASE

Criminal law - Offences - Fraud - Dishonesty - Whether the Applicants' conduct met the minimum objective dishonesty requirement to justify a conviction for fraud?

PROCEDURAL HISTORY

November 30, 1995
Court of Quebec (Criminal Division)
(Cadieux J.)

Applicants convicted of 28 counts of fraud

December 7, 1999
Court of Appeal of Quebec
(Beauregard, Thibault, and Denis [*ad hoc*] JJ.C.A.)

Appeal allowed in part; convictions on counts 2 and 3 quashed, charges stayed on count 1 and appeal dismissed with respect to counts 4 to 28

February 7, 2000
Supreme Court of Canada

Application for leave to appeal filed

Murielle Marcoux

c. (27554)

Jean-Marie Bouchard et Gérard Leblanc (Qué.)

NATURE DE LA CAUSE

Responsabilité civile - Médecins et chirurgiens - Dommages-intérêts - Absence de consentement - Indication chirurgicale - Consentement éclairé - La Cour d'appel a-t-elle erré en droit en décidant que l'intimé Leblanc n'avait pas à obtenir le consentement de la demanderesse avant de pouvoir l'opérer et que le consentement donné afin de permettre à l'intimé Bouchard de l'opérer valait pour l'intimé Leblanc, même si la demanderesse n'avait pas été avisée que c'était l'intimé Leblanc qui procéderait à l'intervention chirurgicale? - La Cour d'appel a-t-elle erré en concluant que le juge de première instance avait correctement appliqué en l'espèce le principe établi par cette Honorable Cour dans l'affaire *Lapointe c. Hôpital Le Gardeur*, [1992] 1 R.C.S. 353, lorsqu'il a conclu que l'intervention du 8 décembre 1982 était indiquée? - La Cour d'appel a-t-elle erré en concluant que la demanderesse avait donné un consentement éclairé à l'intervention proposée puisque: i) l'intimé Leblanc a établi que la demanderesse aurait consenti à ce qu'il soit le chirurgien si la demanderesse avait été informée avant l'opération que tel serait le cas; et ii) bien que l'Honorable juge de première instance ait commis une erreur manifeste en mettant de côté l'affirmation de la demanderesse à l'effet qu'elle n'était pas au courant de l'opinion du Dr. Molina-Negro avant de consentir à l'intervention de décembre 1982, cette erreur n'était pas déterminante?

HISTORIQUE PROCÉDURAL

Le 22 septembre 1995
Cour supérieure du Québec
(Martin j.c.s.)

Action de la demanderesse en dommages-intérêts fondée sur la responsabilité professionnelle des intimés rejetée

Le 23 août 1999
Cour d'appel du Québec
(Baudouin, Brossard et Pidgeon jj.c.a.)

Appel rejeté

Le 21 octobre 1999
Cour suprême du Canada

Demande d'autorisation d'appel déposée

**Harbans Singh Pawar, for himself
and as representative of all those
also improperly denied benefits**

v. (27578)

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

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Equality - National origin - Social security - Constitutionality of the residency requirements of the *Old Age Security Act*, R.S.C., 1985, c. O-9 - Interrelationship between Canada's right to negotiate and enter into international agreements and the domestic right to equality - Issue of what is included or analogous to the term "national...origin" as that term is used in s. 15 of the *Charter* - Quality of evidence that should be before the court when dealing with allegations of adverse effects discrimination under s. 15 of the *Charter*.

PROCEDURAL HISTORY

October 9, 1998
Federal Court of Canada, Trial Division
(Reed J.)

Action to declare that s. 3 of the *Old Age Security Act* is void because it violates s. 15(1) of the *Charter* dismissed

September 9, 1999
Federal Court of Appeal
(Marceau, Desjardins, and Létourneau JJ.A.)

Appeal dismissed

November 8, 1999
Supreme Court of Canada

Application for leave to appeal filed

Jan Lackowiak

v. (27562)

Maple Engineering & Construction Canada Ltd. (Ont.)

NATURE OF THE CASE

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

PROCEDURAL HISTORY

May 20, 1999
Ontario Court of Justice (General Division)
(Hartt J.)

Applicant's appeal from order of Master Garfield granting the Respondent's motion and dismissing the Applicant's action dismissed

August 27, 1999
Court of Appeal for Ontario
(McMurtry C.J.O., McCarthy and Sharpe JJ.A.)

Application for leave to appeal dismissed

October 26, 1999
Supreme Court of Canada

Application for leave to appeal filed

Beverlee Jorgensen

v. (27560)

Crédit M.P. Ltée and Les Placements Lavigne Ltée (Que.)

NATURE OF THE CASE

Administrative law - Property law - Judicial review - Jurisdiction - Leases - Promise of purchase - Can a tribunal decline jurisdiction by making a distinction not found in the enabling legislation? - What is the standard of judicial review in the absence of a comprehensive privative clause and in light of the rules of public order which govern residential leases? - Can the right of residential occupancy as prescribed in a lease be a "droit réel innommé" or is it always a personal right protected by the civil code and rules of public order? - Does the decision to exclude certain leases from the rental legislation go against the very purpose and the spirit of the law and achieve the opposite effect from that intended by the National Assembly?

PROCEDURAL HISTORY

March 25, 1994
Court of Québec
(Boissonneault J.)

Respondent's appeal from two decisions of the Régie du logement allowed

September 13, 1994

Applicant's application for judicial review granted;

Québec Superior Court (Tingley J.)	judgment of Court of Québec set aside
August 26, 1999 Québec Court of Appeal (Fish [dissenting], Deschamps and Chamberland JJ.A.)	Respondent's appeal allowed
October 25, 1999 Supreme Court of Canada	Application for leave to appeal filed

**CORAM: Gonthier, Binnie and Arbour JJ. /
Les juges Gonthier, Binnie et Arbour**

Hal Randall Dobson

v. (27775)

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

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Pleas - Sections 7, 10(b), 11(c), 11(d) and 15(1) of the Canadian Charter of Rights and Freedoms - Whether Applicant's guilty plea invalidated by threat of an immediate return to jail - Whether Applicant received competent legal representation at trial - Whether Applicant's guilty plea invalidated by psychological state at time plea was made - Whether trial judge erred in accepting Applicant's guilty plea despite fact that it was inconsistent with defence counsel's argument on sentencing that Applicant lacked intent to abduct his son - Whether Court of appeal erred in denying Applicant's request for an extension of time to file his Notice of Appeal?

PROCEDURAL HISTORY

July 23, 1999 Court of Queen's Bench of New Brunswick (Strange P.C.J.)	Applicant convicted of one count of abduction under s. 282(1)(a) of the <i>Criminal Code</i> and one count of breach of an undertaking under s. 145(3)(b) of the <i>Criminal Code</i>
December 22, 1999 Court of Appeal of New Brunswick (Ryan J.A.)	Motion for an extension of time to appeal conviction and sentence dismissed
February 21, 2000 Supreme Court of Canada	Application for leave to appeal filed

Lorraine Gauthier

c. (27592)

Claude Gauthier et Colombe Bouchard (Qué.)

NATURE DE LA CAUSE

Droit des biens - Testaments - Capacité de tester - Captation - Les tribunaux inférieurs ont-ils erré?

HISTORIQUE PROCÉDURAL

Le 27 mai 1994
Cour supérieure du Québec
(LaRue j.c.s.)

Action de la demanderesse et demande reconventionnelle des intimés rejetées

Le 27 janvier 1999
Cour d'appel du Québec
(Rousseau-Houle, Pidgeon et Denis [*ad hoc*] jj.c.a.)

Appel de la demanderesse rejetée

Le 10 novembre 1999
Cour suprême du Canada

Demande d'autorisation d'appel, requête en prorogation de délai, requête en sursis d'exécution de jugement et requête pour déposer l'argumentation et les preuves de première instance refusées en appel déposées

Valerie Morrow

v. (27531)

Academy Mechanical Services Ltd. (Alta.)

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Constitution Act, 1867 - Administration of Justice - Fundamental justice - Commercial law - Contracts - Right of deaf to assistance of interpreter in any proceedings - Dispute as to whether contract to correct deficiencies in gas piping and venting including having gas company turn on gas - Allegation of fraud made against Respondent - Constitutionality of Provincial Court of Alberta (Civil Division) raised but not argued - Denial of Charter right to fundamental justice (s.7) alleged but not argued.

PROCEDURAL HISTORY

February 8, 1999
Provincial Court of Alberta
(Maher Prov. Ct. J.)

Claim by Respondent allowed in the amount of \$538.74

June 24, 1999
Court of Queen's Bench of Alberta
(Kent J.)

Appeal by Applicant dismissed

September 20, 1999
Supreme Court of Canada

Application for leave to appeal filed

British Aviation Insurance Group (Canada) Limited

v. (27590)

West Central Air Ltd. and Lloyd Good (Sask.)

NATURE OF THE CASE

Commercial law - Insurance - Whether the Court of Appeal erred in upholding the finding of the Chambers judge that the facts pleaded in a related action involving the Respondents and Bangwyn Farms Ltd. (“Bangwyn”) could result in a judgment for amounts which the Respondents would be “legally obligated to pay” Bangwyn, as that phrase is used in the policy - Whether the Court of Appeal erred in upholding the finding of the Chambers judge that the facts pleaded in the Bangwyn action disclosed a claim “arising out of the use, ownership or maintenance” of the aircraft - Whether the Court of Appeal erred in upholding the finding of the Chambers judge that the facts pleaded in the Bangwyn action do not fall within the exclusion for “liability assumed under a contract or agreement” as that phrase is used in the policy - Whether the Court of Appeal erred in upholding the finding of the Chambers judge that the facts pleaded in the Bangwyn action do not fall within the exclusion for “failure to provide transportation services” as that phrase is used in the policy - Whether the Court of Appeal erred in upholding the finding of the Chambers judge that the facts pleaded in the Bangwyn action do not fall outside the scope of liability insurance generally as being part of the business risk retained by Respondent West Central Air Ltd. and not transferred to the Applicant by the policy.

PROCEDURAL HISTORY

June 6, 1997 Court of Queen's Bench of Saskatchewan (Hunter J.)	Application by Applicant for two declaratory judgments dismissed
September 7, 1999 Court of Appeal for Saskatchewan (Bayda C.J., Vancise and Gerwing JJ.A.)	Appeal dismissed
November 12, 1999 Supreme Court of Canada	Application for leave to appeal filed
November 25, 1999 Supreme Court of Canada (Gonthier J.)	Motion for an extension of time granted

Joel Starkman, Sharon Starkman and Rhonda Feldman

v. (27551)

The Toronto-Dominion Bank (Ont.)

NATURE OF THE CASE

Commercial law - Creditor and debtor - Property law - Personal property - *Personal Property Security Act*, R.S.O. 1990, c. P.10 - Whether the Court of Appeal erred in finding that the funds were identifiable and traceable - What is the definition of identifiable and traceable - Whether a breach of duty of confidentiality by a bank deprives it of equitable relief - Whether there are conflicting authorities.

PROCEDURAL HISTORY

February 10, 1998 Ontario Court of Justice (General Division) (Macdonald J.)	Respondent’s application for declaratory relief pursuant to section 67 of the <i>Personal Property Security Act</i> granted with costs
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August 17, 1999
Court of Appeal for Ontario
(Carthy, Abella and Goudge JJ.A.)

Appeal dismissed

October 18, 1999
Supreme Court of Canada

Application for leave to appeal filed

MOTION FOR RECONSIDERATION / DEMANDE DE RÉEXAMEN

**CORAM: Gonthier, Binnie and Arbour JJ. /
Les juges Gonthier, Binnie et Arbour**

Olympia Interiors Ltd., et al. v. Her Majesty the Queen (F.C.A.)(Civil) (By Leave) (27550)

**JUDGMENTS ON APPLICATIONS
FOR LEAVE**

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

MAY 25, 2000 / LE 25 MAI 2000

27702 **WILFRED HAROLD DOYLE v. HER MAJESTY THE QUEEN** (Crim.)(P.E.I.)

CORAM: The Chief Justice, Iacobucci and Major JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Criminal law - Evidence - Procedural law - Standard of review - Whether the standard of review as set out in *R.v.Yebes*, [1987] 2 S.C.R. 168, and *R. v. Burke*, [1996] 1 S.C.R. 474 was misapplied - Were the requirements for curial review met in this case - Whether the conviction was unreasonable and unsafe.

PROCEDURAL HISTORY

August 5, 1998 Provincial Court of Prince Edward Island (Orr J.)	Applicant convicted of two counts of uttering threats contrary to s. 264.1(1)(a) and (b) of the <i>Criminal Code</i>
July 8, 1999 Supreme Court of Prince Edward Island (Trial Division) (DesRoches J.)	Appeal dismissed
November 18, 1999 Supreme Court of Prince Edward Island (Appeal Division) (Carruthers C.J., Mitchell and McQuaid JJ.A.)	Appeal dismissed
January 13, 2000 Supreme Court of Canada	Application for leave to appeal filed

27631 **NICHOLAS Y. BONAMY v. HER MAJESTY THE QUEEN** (Crim.)(B.C.)

CORAM: The Chief Justice, Iacobucci and Major JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Procedural law - Uttering forged document - Theft - Court appointing solicitor and Attorney General providing transcripts - Allegation that rule as to provisions of transcripts infringing s. 15 of Charter found to be moot - Whether appellate court has a duty to exercise jurisdiction on a constitutional issue as to whether or not a Rule of that Court offends the *Charter* - Whether appellate court must apply Proviso once an appellant has made a *prima facie* case that several errors have been committed by the trial judge - Whether misconduct of the police and the alleged misleading of the judicial authorities by the police placed the administration of justice into disrepute.

PROCEDURAL HISTORY

December 10, 1997
Supreme Court of British Columbia
(Baker J.)

Conviction by jury of theft in excess of one thousand dollars pursuant to s. 334(a); conviction of forgery pursuant to s. 368(1)(b) of the *Criminal Code*

September 30, 1999
Court of Appeal for British Columbia
(Esson, Hollinrake, and Braidwood JJ.A.)

Appeal dismissed

December 2, 1999
Supreme Court of Canada

Application for leave to appeal filed

27672 **AMINA CHAUDHARY v. HER MAJESTY THE QUEEN** (Crim.)(Ont.)

CORAM: The Chief Justice, Iacobucci and Major JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Canadian Charter - Criminal - Criminal Law - Procedure - Motion to reduce period of parole ineligibility after 15 years of a life sentence - *Criminal Code* in force at time of motion requires a unanimous jury vote to reduce parole ineligibility - *Criminal Code* in force at time of offence, conviction and sentencing required only a two-thirds majority vote - Amendments to *Criminal Code* requiring jury unanimity introduced between sentencing and motion - Motions judge orders that amended wording to apply - Whether decision to apply amended wording infringed s. 7 of the *Charter* - Right to be punished in accordance with the law as it existed at the time of offence - Whether motions judge erred by directing his attention to the characterization of the amendments as procedural or substantive - Whether s. 745.6(1) of the *Criminal Code*, R.S.C. 1985, c. C-46 applied retroactively in breach of constitutional rights.

PROCEDURAL HISTORY

September 27, 1999
Ontario Superior Court of Justice
(LeSage C.J.)

Application to apply former provisions of *Criminal Code* dismissed

December 23, 1999
Supreme Court of Canada

Application for leave to appeal filed

27523 **RONALD H. WILSON and NICHOLAS KYPRIANOU v. ROBERT ANDERSON and DEBORAH FISCHER** (Ont.)

CORAM: The Chief Justice, Iacobucci and Major JJ.

The applications for leave to appeal are dismissed with costs.

Les demandes d'autorisation d'appel sont rejetées avec dépens.

NATURE OF THE CASE

Procedural law - Civil procedure - Class actions - Whether it is sufficient that the class proceeding resolves a single common issue, while leaving substantial individual issues, including causation and damages, to be determined in individual proceedings - Whether an aggregate award of damages is appropriate even where members of the class may have suffered no injuries - Whether the claim for nervous shock, absent proof of a recognizable psychiatric or psychological injury, discloses a cause of action - Whether the subclass of uninfected patients is properly constituted.

PROCEDURAL HISTORY

February 7, 1997 Ontario Court (General Division) (Jenkins J.)	Respondents' action awarded class proceeding status and accepted
February 20, 1998 Ontario Court of Justice (General Division) (Campbell, Keenan and Tobias JJ.)	Applicants' appeal allowed in part, amendments to trial decision ordered
July 7, 1999 Court of Appeal for Ontario (McMurtry C.J.O. and Carthy and Weiler JJ.A.)	Respondents' appeal and Applicants' cross-appeal allowed in part
September 29, 1999 Supreme Court of Canada	Application for leave to appeal filed

27524 **539938 ONTARIO LIMITED, ROY'S ELECTRIC, ROY ZUB, DOUGLAS AND JOYCE ZUB v. TYLER DERKSEN, A MINOR, BY HIS LITIGATION GUARDIAN WILLIAM DERKSEN, AND TRAVIS DERKSEN, A MINOR, BY HIS LITIGATION GUARDIAN WILLIAM DERKSEN, AND THE SAID WILLIAM DERKSEN, AND KATHY DERKSEN, AND WILLIAM DERKSEN (SR.) AND JUSTINA DERKSEN, AND FRED IRVINE, AND EDITH IRVINE and 539938 ONTARIO LIMITED, ROY'S ELECTRIC, ROY ZUB, DOUGLAS ZUB AND JOYCE ZUB (WITH RESPECT TO WAWANESA AUTOMOBILE POLICY NUMBER 3556895) and 539938 ONTARIO LIMITED, ROY'S ELECTRIC, ROY ZUB, DOUGLAS ZUB AND JOYCE ZUB (IN THEIR UNINSURED CAPACITY) (Ont.)**

CORAM: The Chief Justice, Iacobucci and Major JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

NATURE OF THE CASE

Commercial law - Insurance - Automobile insurance - General liability insurance - Coverage - Exclusions - Concurring causes - Whether in a case involving multiple sources of causation, coverage under a liability policy should be afforded where one of the sources of causation is excluded from coverage while others are not?

PROCEDURAL HISTORY

September 8, 1998 Ontario Court (General Division) (Stach J.)	Motion for the determination of a special case: both the Wawanesa Automobile Policy No. 3556895 and the General Accident Comprehensive General Liability Policy
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No. C3336483 found to provide coverage for the claims for damages made in the actions brought by the Plaintiffs

July 22, 1999
Court of Appeal for Ontario
(Austin, Moldaver and Borins JJ.A.)

September 29, 1999
Supreme Court of Canada

Appeal dismissed

Application for leave to appeal filed

27501 **BDO DUNWOODY LIMITED, TRUSTEE OF THE ESTATE OF NICOLE MARIE BERTHELETTE, A BANKRUPT, AND THE CANADIAN INSOLVENCY PRACTITIONERS ASSOCIATION v. SUPERINTENDENT OF BANKRUPTCY** (Man.)

CORAM: The Chief Justice, Iacobucci and Major JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

NATURE OF THE CASE

Commercial law - Bankruptcy - Trustee compensation - Whether there is any statutory provision, regulation, rule, directive or public policy which prevents a trustee in bankruptcy from accepting, and basing its fee upon, payments made by a bankrupt after his or her discharge pursuant to a fee agreement - Whether there is any provision, regulation, rule, directive or public policy which prevents a trustee from entering into a fee agreement with a bankrupt for payments to her or her estate - Whether such an agreement, when made on the day of or the day before bankruptcy, is a provable claim in bankruptcy pursuant to s. 121(1) of the *Act*, thereby invoking under s. 69 a stay of proceedings to enforce the obligations thereunder and releasing all obligations thereunder under s. 178 on the bankrupt's discharge - Whether there would be any difference if the agreement was made after the date of the bankruptcy.

PROCEDURAL HISTORY

June 27, 1997
Court of Queen's Bench of Manitoba in Bankruptcy
(Goldberg, Senior Master)

February 5, 1998
Court of Queen's Bench of Manitoba
(Jewers J.)

June 24, 1999
Court of Appeal of Manitoba
(Scott C.J.M., Philp and Monnin JJ.A.)

September 22, 1999
Supreme Court of Canada

Order that the payment of \$196.00 received from the Applicant bankrupt after her discharge be included in the receipts on which the Applicant trustee's fee is based

Respondent's appeal dismissed with costs

Respondent's appeal allowed: payment of \$196.00 received by Applicant trustee is not a receipt upon which the trustee's fee is calculated and is to be returned to the Applicant bankrupt

Application for leave to appeal filed

27738 **HER MAJESTY THE QUEEN v. CLAYTON GEORGE MENTUCK** (Crim.)(Man.)

CORAM: The Chief Justice, Iacobucci and Major JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

NATURE OF THE CASE

Canadian Charter - Criminal - Criminal law - Publication bans - Statutes - Interpretation - Jurisdiction - Limited publication ban granted with respect to information identifying undercover police officers - Publication ban denied with respect to police operational methods - Whether this Court has jurisdiction under *Supreme Court Act*, s. 40(1) - Whether the trial judge applied the wrong test in considering the request for the publication ban - Whether the public interest in effective law enforcement is a factor in determining whether to grant such a ban - Whether the public interest in effective law enforcement may reasonably limit rights under ss. 2(b) or 11 of the *Charter* - Whether the trial judge gave proper effect to his findings that the security and well-being of the officers would be at risk if they were identified.

PROCEDURAL HISTORY

February 2, 2000 Court of Queen's Bench of Manitoba (Menzies J.)	Publication ban on undercover operation denied; publication ban on undercover police officers' names and identities granted
February 7, 2000 Supreme Court of Canada (Iacobucci J.)	Exhibit "B" to affidavit of Randy Randell sealed; publication ban granted pending decision on leave application or appeal
February 28, 2000 Supreme Court of Canada	Application for leave to appeal filed
April 18, 2000 Supreme Court of Canada (Arbour J.)	Motion by Winnipeg Free Press and Brandon Sun for leave to intervene on the application for leave to appeal granted

27636 BOGOMIR SOLUNAC - c. - ORDRE DES MÉDECINS VÉTÉRINAIRES DU QUÉBEC (Qué.)

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

La demande d'autorisation d'appel est rejetée.

The application for leave to appeal is dismissed.

NATURE DE LA CAUSE

Droit du travail - Droit des professions - Appréciation de la crédibilité des témoins - La Cour supérieure a-t-elle erré en décidant que le juge du procès avait correctement apprécié la crédibilité des témoins? - La Cour d'appel a-t-elle erré en n'intervenant pas pour corriger le jugement de la Cour supérieure?

HISTORIQUE PROCÉDURAL

Le 10 février 1997

Cour du Québec

(Turpin j.c.q.)	Demandeur trouvé coupable de trois infractions au <i>Code des professions</i>
Le 4 juillet 1997 Cour supérieure du Québec (Frenette j.c.s.)	Appel partiellement accueilli; condamnation et sentence du demandeur annulées quant à la troisième accusation
Le 18 octobre 1999 Cour d'appel du Québec (Beauregard, Gendreau et Baudouin jj.c.a.)	Requête de l'intimé en rejet d'appel accueillie; Requêtes du demandeur pour permission d'en appeler rejetées
Le 10 décembre 1999 Cour suprême du Canada	Demande d'autorisation d'appel déposée

27455 **MINISTÈRE DES AFFAIRES MUNICIPALES (PROCUREURE GÉNÉRALE DU QUÉBEC) - c. - COMMUNAUTÉ URBAINE DE QUÉBEC, VILLE DE SILLERY et VILLE DE SAINTE-FOY** (Qué.)

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

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

The application for leave to appeal is dismissed with costs.

NATURE DE LA CAUSE

Droit municipal - Code civil - Législation - Évaluation - Interprétation - Biens immeubles - Biens meubles - *Loi sur la fiscalité municipale*, L.R.Q., ch. F-2.1, mod. par L.Q. 1986, ch. 34 - Interprétation du terme "attaché" de la définition du terme "immeuble" - La Cour d'appel a-t-elle commis des erreurs de droit importantes en interprétant le terme «attaché» utilisé à la définition du mot «immeuble» énoncé à l'article 1 de la *L.F.M.*? - La Cour d'appel a-t-elle commis des erreurs importantes en droit en interprétant l'article 68.1 de la *L.F.M.*?

HISTORIQUE PROCÉDURAL

Le 7 février 1997 Cour du Québec (Bossé j.c.q.)	L'appel des intimées des décisions du Bureau de révision de l'évaluation foncière du Québec est accueilli
Le 26 mai 1999 Cour d'appel du Québec (Baudouin, Nuss et Pidgeon jj.c.a.)	Pourvoi du demandeur rejeté
Le 25 août 1999 Cour suprême du Canada	Demande d'autorisation d'appel déposée

27454 **LES PLACEMENTS R.I.O. INC. - c. - SA MAJESTÉ LA REINE** (C.A.F.)(Qué.)

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

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

The application for leave to appeal is dismissed with costs.

NATURE DE LA CAUSE

Droit fiscal - Législation - Interprétation - Les tribunaux inférieurs ont-ils erré en considérant qu'il y avait eu transfert d'un bien au sens du paragraphe 160(1) de la *Loi de l'impôt sur le revenu* lorsque la demanderesse a été déclarée propriétaire de son immeuble à la suite de l'exercice d'une clause de dation en paiement contenue dans un acte d'obligation et d'hypothèque?

HISTORIQUE PROCÉDURAL

Le 4 juillet 1996
Cour canadienne de l'impôt
(Lamarre Proulx j.c.c.i.)

Appel du demandeur de la cotisation établie en vertu de la *Loi de l'impôt sur le revenu* rejeté

Le 28 mai 1999
Cour d'appel fédérale
(Marceau, Desjardins et Noël jj.c.a.)

Appel rejeté

Le 26 août 1999
Cour suprême du Canada

Demande d'autorisation d'appel déposée

27460 **MAYER DIAMOND, ÈS-QUALITÉS DE SYNDIC À LA FAILLITE DE WALTER ROBERT BRUNE - c. - SURINTENDANT DES FAILLITES** (Qué.)

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

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

The application for leave to appeal is dismissed with costs.

NATURE DE LA CAUSE

Droit commercial - Faillite - Rémunération du syndic - Mémoire du syndic approuvé par les créanciers - Intervention du surintendant des faillites pour contester la rémunération du syndic - Le tribunal siégeant en matière de faillite a-t-il juridiction pour modifier la rémunération attribuée au syndic par les créanciers, à l'instigation du surintendant des faillites et en l'absence d'une demande à cet effet provenant du syndic, d'un créancier ou du débiteur? - La cas échéant, le registraire de faillite est-il investi de la compétence requise pour exercer de tels pouvoirs? - Le cas échéant, la preuve recueillie en l'instance donne-t-elle ouverture à l'intervention du tribunal?

HISTORIQUE PROCÉDURAL

Le 8 septembre 1997
Cour supérieure du Québec "en matière de faillite"
(Flamand, registraire)

Intervention du surintendant accordée et la rémunération du syndic réduite

Le 17 février 1998
Cour supérieure du Québec
(Halperin j.c.s.)

Requête en révision de la décision du registraire de faillite rejetée

Le 30 juin 1999
Cour d'appel du Québec
(Michaud j.c.q., Vallerand et Robert jj.c.a.)

Appel rejeté

Le 30 août 1999
Cour suprême du Canada

Demande d'autorisation d'appel déposée

27503 **VILLE DE MONTRÉAL - c. - SAMEN INVESTMENTS INC. - et - PROCUREUR GÉNÉRAL DU QUÉBEC - et entre - VILLE DE MONTRÉAL - c. - MONIT INTERNATIONAL INC. - et - PROCUREUR GÉNÉRAL DU QUÉBEC - et entre - VILLE DE MONTRÉAL - c. - SCOTIA PROPRIÉTÉS QUÉBEC INC. et MONIT INTERNATIONAL INC. - et - PROCUREUR GÉNÉRAL DU QUÉBEC - et entre - VILLE DE MONTRÉAL - c. - PLACEMENTS MIRLAW LTÉE et MONIT INTERNATIONAL INC. - et - PROCUREUR GÉNÉRAL DU QUÉBEC (Qué.)**

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

La demande d'autorisation d'appel est rejetée.

The application for leave to appeal is dismissed.

NATURE DE LA CAUSE

Procédure - Dépens - Cause type - Refus de se désister - Requête en péremption d'instance - Requête en irrecevabilité - Déclaration amendée - Adjudication des frais - Chaque partie paye ses propres frais - Le premier juge et la Cour d'appel ont-ils erré en droit en négligeant d'abord de statuer sur la requête en péremption d'instance de la demanderesse? - La déclaration amendée de l'intimée, la requête pour jugement et adjudication sur frais et l'inscription *ex parte* des intimées constituent-elles des procédures utiles? - Le premier juge et la Cour d'appel ont-ils erré en droit en refusant de considérer les amendements à la déclaration amendée comme un désistement bénéficiant à la demanderesse, et, en conséquence, d'adjuger les frais en faveur de la demanderesse conformément à l'article 264 *C.p.c.*? - Le premier juge et la Cour d'appel ont-ils erré en droit en refusant de considérer la requête pour jugement et adjudication sur frais de l'intimée, dans laquelle l'intimée admet que sa procédure est mal fondée, comme un désistement bénéficiant à la demanderesse et, en conséquence, d'adjuger les frais en faveur de la demanderesse conformément à l'article 264 *C.p.c.*? - Dans la mesure où cette Cour en arriverait à la conclusion que le Tribunal qui accueille une requête en irrecevabilité peut discrétionnairement statuer sur les dépens, le premier juge et la Cour d'appel ont-ils exercé leur discrétion pour des motifs recevables en fait ou en droit? - La décision de la Cour d'appel dans l'affaire *Germain c. Ville de Montréal* a-t-elle l'autorité de la chose jugée quant aux frais dans toutes les présentes instances?

HISTORIQUE PROCÉDURAL

Le 21 janvier 1999
Cour supérieure du Québec
(Kennedy j.)

Les requêtes de la demanderesse contre les actions des intimées accueillies, chaque partie payant ses frais

Le 8 juillet 1999
Cour d'appel du Québec
(Nuss, Robert et Forget jj.c.a.)

La requête des intimées en rejet d'appel accueillie et l'appel de la demanderesse rejeté sans frais

Le 23 septembre 1999
Cour suprême du Canada

Demande d'autorisation d'appel déposée

27527 **DANIEL FAVREAU, LES PRODUCTIONS DE FAVREAU INC. et GROUPE B.A.I. INC. - c. -
LES PRODUCTIONS AVANTI CINÉ VIDÉO INC.** (Qué.)

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

La demande d'autorisation d'appel est rejetée.

The application for leave to appeal is dismissed.

NATURE DE LA CAUSE

Droit des biens - Droit d'auteur - Utilisation équitable d'une oeuvre à des fins de critique - Parodie - Film érotique - Pour déterminer si un personnage d'une oeuvre dramatique cinématographique bénéficie, en vertu du droit d'auteur canadien, d'une protection propre et indépendante de l'oeuvre dramatique elle-même, doit-on faire une distinction entre les caractéristiques originales propres aux personnages et l'interprétation du comédien qui l'incarne? - Comment et dans quelle mesure la *Loi sur le droit d'auteur* accommode-t-elle la parodie?

HISTORIQUE PROCÉDURAL

Le 22 mai 1997 Cour supérieure du Québec (Côté j.c.s.)	Action en injonction permanente de l'intimée rejetée
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Le 4 août 1999 Cour d'appel du Québec (Rothman, Gendreau et Biron [<i>ad hoc</i>] jj.a.)	Appel accueilli
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Le 30 septembre 1999 Cour suprême du Canada	Demande d'autorisation d'appel déposée
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27518 **ARNOLD MINORS - v. - THE TORONTO SUN PUBLISHING CORPORATION, HARTLEY
STEWART, JOHN DOWNING, CHRISTIE BLATCHFORD, JAMES WALLACE, JEFF
HARDER, ROBERT BENZIE, TRACY NESDOLAY and ANDY DONATO** (Ont.)

CORAM: L'Heureux-Dubé, Bastarache and LeBel 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

Torts - Libel and slander - Respondents publishing a series of articles and columns concerning the actions and words of a public official - Extent to which social context in which a publication will be read and understood should be taken into consideration in determining the meaning of an allegedly defamatory publication.

PROCEDURAL HISTORY

February 26, 1997 Ontario Court of Justice (General Division)	Applicant's libel action dismissed
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(McRae J.)

June 30, 1999
Court of Appeal for Ontario
(Osborne A.C.J. and Catzman and Charron JJ.A.)

Appeal dismissed

September 29, 1999
Supreme Court of Canada

Application for leave to appeal filed

27695 **PERCY EDWARD AUGUSTINE - v. - HER MAJESTY THE QUEEN** (Crim.)(N.B.)

CORAM: L'Heureux-Dubé, Bastarache and LeBel 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 - Sentencing - Evidence - Aboriginal - Whether the verdict of manslaughter should be set aside on the ground that it is unreasonable or cannot be supported by the evidence - Whether the trial judge erred in giving improper or insufficient reasons for his verdict - Whether the trial judge misapprehend the evidence adduced at trial, so as to result in a miscarriage of justice - Whether the Court of Appeal erred in varying the sentence imposed by the trial judge.

PROCEDURAL HISTORY

January 23, 1998
Court of Queen's Bench of New Brunswick
(Rideout J.)

Applicant guilty of manslaughter contrary to s. 236 of the
Criminal Code

November 25, 1999
Court of Appeal of New Brunswick
(Ryan, Turnbull, and Drapeau JJ.A)

Appeal against conviction dismissed. Crown's appeal
against the imposition of a conditional sentence allowed

March 6, 2000
Supreme Court of Canada

Application for leave to appeal filed

27708 **THOMAS REARDON - v. - HER MAJESTY THE QUEEN** (Crim.)(Ont.)

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

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Criminal law - Evidence - Sexual Assault - Whether the learned trial Judge erred in making assumptions as to the character and behaviour of the complainant without a factual basis for those findings - Whether the learned trial Judge erred in

making assumptions as to the character and behaviour of the complainant in areas where the Applicant is precluded from calling evidence by the provisions of the *Criminal Code* thus creating an unfairness to the Applicant amounting to a violation of his rights pursuant to Section 7 of the *Canadian Charter of Rights and Freedoms* - Whether the learned trial Judge erred in rejecting the evidence of the witness Brandiferri where there was nothing inherently objectionable with that evidence which called for its rejection - Whether the learned trial Judge erred in rejecting the Applicant's statement given to a person in authority as being self-serving given the statement had been made with proper warning and having been ruled voluntary?

PROCEDURAL HISTORY

April 29, 1999 Ontario Court (General Division) (Humphrey J.)	Applicant convicted of sexual assault
November 17, 1999 Court of Appeal for Ontario (Laskin, Feldman, and O'Connor JJ.A.)	Appeal against conviction and sentence dismissed
January 17, 2000 Supreme Court of Canada	Application for leave to appeal filed

27709 **E.T.H. - v. - HER MAJESTY THE QUEEN** (Crim.)(Alta.)

CORAM: L'Heureux-Dubé, Bastarache and LeBel 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 - Pleas - Withdrawal of guilty plea - In an application to withdraw a guilty plea prior to sentencing, is it sufficient to show a viable defence or must an accused also show that the guilty plea was entered involuntarily - What tests and standards of review are to be applied to applications to strike a guilty plea where sentence has not yet been imposed?

PROCEDURAL HISTORY

October 13, 1998 Court of Queen's Bench of Alberta (MacCallum J.)	Applicant's application to set aside guilty pleas dismissed
October 5, 1999 Court of Appeal of Alberta (Coté, Picard, and Sulatycky JJ.A.)	Appeal dismissed
January 18, 2000 Supreme Court of Canada	Application for leave to appeal and motion to extend time filed

27814 **A.-L.T. - v. - W.B.** (Que.)

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

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

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

NATURE OF THE CASE

Family law - Access - Procedural law - Jurisdiction - Whether Respondent's application for access should be heard by court in Québec where parties last cohabited or in British Columbia where children reside with Applicant

PROCEDURAL HISTORY

October 30, 1998 Superior Court of Québec (Julien J.C.S.)	Applicant's application requesting a transfer of Respondent's child access proceedings from Québec to British Columbia dismissed
October 21, 1999 Court of Appeal of Québec (Vallerand, Dussault, and Chamberland JJ.A.)	Appeal dismissed
January 18, 2000 Superior Court of Québec (Julien J.C.S.)	Motion requesting that the children not be brought back to Québec granted in part
March 23, 2000 Supreme Court of Canada	Application for leave to appeal filed

27712 **DAVID MASMARTI - c. - Me BERNARD COHEN et Dr CLAUDE THERRIEN - et - LA COMMISSION DES AFFAIRES SOCIALES et LA SOCIÉTÉ D'ASSURANCE AUTOMOBILE DU QUÉBEC** (Qué.)

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

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

The application for leave to appeal is dismissed with costs.

NATURE DE LA CAUSE

Droit administratif - Contrôle judiciaire - La Commission des affaires sociales (ci-après "la C.A.S.") a-t-elle commis une erreur juridictionnelle en ne considérant pas les faits nouveaux survenus après l'audience en révision? - La C.A.S. a-t-elle commis une erreur manifestement déraisonnable en décidant d'écarter l'opinion présentée par le docteur P. Cervantes sur la base que ce dernier ne peut valablement émettre une opinion sur un patient qu'il n'a pas examiné contemporanément au mois de mars 1989? - Dans l'affirmative, la C.A.S. aurait-elle dû considérer le demandeur inapte à retourner au travail et ainsi continuer le versement des indemnités de remplacement du revenu de ce dernier?

HISTORIQUE PROCÉDURAL

Le 23 juin 1996
Cour supérieure du Québec
(Deslongchamps j.c.s)

Requête en évocation d'une décision de la commission
des affaires sociales rejetée

Le 23 novembre 1999
Cour d'appel du Québec (Montréal)
(Proulx, Chamberland, Nuss Joseph jj.c.a)

Pourvoi rejeté

Le 22 mars 2000
Cour suprême du Canada

Demande d'autorisation d'appel déposée

27312 **BERNARD GERARDUS MARIA BERENDSEN and MARIA BERDINA HELENA BERENDSEN, YVONNE BERENDSEN and MARY BERENDSEN and the infant WILBERT BERENDSEN by his litigation guardian MARIA BERNARDINA HELENA BERENDSEN - v. - HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO** (Ont.)

CORAM: Gonthier, Binnie and Arbour JJ.

The application for leave to appeal is granted with costs.

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

NATURE OF THE CASE

Procedural law - Limitation of actions - Public authorities - Whether s. 7 of the *Public Authorities Protection Act* applies to protect the Crown in historic environmental contamination cases - Whether an action involving historic environmental contamination is reasonably discoverable until the tortfeasor is identified - Whether the phrase "continuance of injury or damage" in s. 7 of the *Public Authorities Protection Act* includes acts, omissions and breaches of duty which occur or continue after environmental contamination has commenced, so as to prevent reliance upon a limitation defence - Whether express or implied representations and conduct constitute waiver or promissory estoppel so as to prevent reliance upon a limitation defence.

PROCEDURAL HISTORY

August 5, 1998
Ontario Court of Justice (General Division)
(Grossi J.)

Respondent's motion for summary judgement allowed;
Applicants' action dismissed

March 23, 1999
Court of Appeal for Ontario
(Krever, Abella and Catzman JJ.A.)

Appeal dismissed

May 21, 1999
Supreme Court of Canada

Application for leave to appeal filed

27669 **DANIEL MATTHEW NETTE - v. - HER MAJESTY THE QUEEN** (Crim.) (B.C.)

CORAM: Gonthier, Binnie and Arbour JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

NATURE OF THE CASE

Criminal Law - Murder - Causation - Whether the causation test for second degree murder is lower than the standard articulated by *R. v. Harbottle*, [1993] 3 S.C.R. 306, for first degree murder - What is the correct formulation for the standard of causation for second degree murder?

PROCEDURAL HISTORY

May 6, 1997 Supreme Court of British Columbia (Wilkinson J.)	Conviction: Second degree murder Sentence: Life imprisonment, parole eligibility after 10 years
December 13, 1999 Court of Appeal of British Columbia (McEachern, Lambert and Braidwood JJ.A.)	Appeal against conviction dismissed
December 31, 1999 Supreme Court of Canada	Application for leave to appeal filed

27427 **JANINE BAILEY - v. - HER MAJESTY THE QUEEN IN RIGHT OF CANADA and THE PUBLIC SERVICE COMMISSION - and between - ELISABETH LAVOIE, JEANNE TO THANH HIEN - v. - HER MAJESTY THE QUEEN IN RIGHT OF CANADA and THE PUBLIC SERVICE COMMISSION** (F.C.A.)

CORAM: Gonthier, Binnie and Arbour JJ.

The applications for leave to appeal are granted with costs.

Les demandes d'autorisation d'appel sont accordées avec dépens.

NATURE OF THE CASE

Canadian *Charter* - Civil - Civil rights - Equality - Whether s. 15(1) of the *Charter* protects against discrimination between citizens and non-citizens in referral to open competitions for positions in the federal public service - Whether the Federal Court of Appeal erred in finding that it did not - *Public Service Employment Act*, R.S.C. 1985, c. P-33, s. 16(4)(c).

PROCEDURAL HISTORY

April 21, 1995 Federal Court of Canada, Trial Division (Wetston J.)	Applicants' actions dismissed
May 19, 1999 Federal Court of Appeal (Marceau, Desjardins and Linden [dissenting] JJ.A.)	Appeals dismissed
August 12, 1999	Supreme Court of Canada

Application for leave to appeal filed by Applicant Bailey

August 18, 1999
Supreme Court of Canada

Application for leave to appeal filed by Applicants
Lavoie and To Thanh Hien

27670 **J.H. - v. - HER MAJESTY THE QUEEN** (Crim.) (Ont.)

CORAM: Gonthier, Binnie and Arbour JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Criminal Law - Young Offenders - Right to Counsel - *Young Offenders Act* permits an order to appoint counsel if a young person is unable to obtain counsel - Accused before Youth Court was denied legal aid and applied for an order appointing counsel claiming she was unable to obtain counsel - Whether Youth Court is required to conduct a hearing into the youth's ability to obtain counsel before granting order - Whether hearing should consider a young person's ability to access the financial resources of his or her parents - Meaning of "unable to" in s. 11(4)(b) of the *Young Offenders Act*, R.S.C. 1985, c. Y-1.

PROCEDURAL HISTORY

August 24, 1998
Ontario Court (Provincial Division)
(King J.)

Order appointing counsel granted

October 21, 1999
Court of Appeal for Ontario
(Finlayson, Weiler and Moldaver JJ.A.)

Appeal allowed

December 20, 1999
Supreme Court of Canada

Application for leave to appeal filed

27732 **DONALD RUSSELL - v. - HER MAJESTY THE QUEEN** (Crim.) (Ont.)

CORAM: Gonthier, Binnie and Arbour JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

NATURE OF THE CASE

Criminal Law - Pre-Trial Procedure - Preliminary hearing - Committal for Trial - Murder - First degree - Certiorari-Review of committal - Natural Justice - Jurisdiction of committing judge - Jurisdiction of reviewing judge - Accused allegedly forcibly confines complainant and murders another victim while complainant confined - Judge presiding over

preliminary hearing commits accused for trial on first degree murder based on a conclusion that the alleged murder was caused while committing forcible confinement - Reviewing judge quashes committal and orders committal on charge of second degree murder - Court of Appeal restores committal on charge of first degree murder - Jurisdiction of the preliminary hearing judge to commit accused to trial on first degree murder - Jurisdiction of reviewing judge - Estoppel of issue of reviewing judge's jurisdiction - Whether prosecution for first degree murder offends principles of natural justice - *Criminal Code*, R.S.C. 1985, c. C-46, s. 231(5).

PROCEDURAL HISTORY

March 3, 1999 Ontario Court of Justice (Wake J.)	Committal for trial on first degree murder and other charges
August 23, 1999 Superior Court of Justice (Durno J.)	Certiorari granted; Committal for trial on second degree murder and other charges
December 1, 1999 Court of Appeal for Ontario (Finlayson, Austin, and O'Connor JJ.A.)	Appeal allowed; Order of committal for trial on first degree murder and other charges restored
February 1, 2000 Supreme Court of Canada	Application for leave to appeal filed
February 9, 2000 Supreme Court of Canada (Bastarache J.)	Extension of time to file application for leave to appeal granted

27471 **BELSHIPS (FAR EAST) SHIPPING (PTE) LTD. - v. - CANADIAN PACIFIC FOREST PRODUCTS LIMITED** (F.C.A.)

CORAM: Gonthier, Binnie and Arbour 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 - Contracts - Exclusion clauses - Torts - Negligence - Whether the lower courts erred in finding that the exemption clause in bills of lading did not exclude liability of the Applicants for their own or their employees' negligence - Common carriers versus bailees - *Canada Steamship Lines Ltd. v. The King*, [1952] A.C. 192 (P.C.) - *Hunter Engineering Co. v. Syncrude Canada Ltd.*, [1989] 1 S.C.R. 426.

PROCEDURAL HISTORY

April 23, 1996 Federal Court of Canada, Trial Division (Noël J.)	Respondents' action in damages allowed
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June 10, 1999
Federal Court of Appeal
(Stone, Linden and Létourneau JJ.A.)

Appeal dismissed

September 8, 1999
Supreme Court of Canada

Application for leave to appeal filed

27790 **MANICKAVASAGAM SURESH - v. - THE MINISTER OF CITIZENSHIP AND IMMIGRATION and THE ATTORNEY GENERAL OF CANADA** (F.C.A.)

CORAM: Gonthier, Binnie and Arbour JJ.

The application for leave to appeal is granted with costs.

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

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Immigration law - Convention refugee - Member of an inadmissible class - Terrorism - Whether there is a conflict in the application of ss. 7 and 1 of the *Charter* regarding the assessment of individual rights and societal interests - Whether the principles of a free and democratic society allow sending a Convention refugee to a country which may torture him - Whether the procedural protections in place for a determination under s. 53 of the *Immigration Act* pass constitutional scrutiny - Whether lawful political activity in support of a national liberation movement is protected expression and whether the right to freedom of association in this context can be claimed by a non-citizen.

PROCEDURAL HISTORY

June 28, 1999
Federal Court, Trial Division
(McKeown J.)

Application for judicial review of a Minister's decision dismissed

January 18, 2000
Federal Court of Appeal
(Décary, Linden, Robertson JJ.A.)

Appeal dismissed with costs

March 7, 2000
Supreme Court of Canada

Application for leave to appeal filed

March 31, 2000
Supreme Court of Canada
(Binnie J.)

Motion to seal certain documents from access by the public granted; Motion to strike out certain paragraphs from affidavits sworn by Edward Scott and the Applicant granted

April 19, 2000
Supreme Court of Canada
(Binnie J.)

Motion to seal transcript of cross-examination of the Applicant granted

May 3, 2000
Supreme Court of Canada

Motion to strike out affidavits of Ruth Archibald, Donald Gauthier and the Applicant, cross-examinations thereon

(Binnie J.)

and references thereto in the Respondent's memorandum
granted

27792 **MANSOURAHANI - v. - THE MINISTER OF CITIZENSHIP AND IMMIGRATION and THE
ATTORNEY GENERAL OF CANADA** (F.C.A.)

CORAM: Gonthier, Binnie and Arbour JJ.

The application for leave to appeal is granted with costs.

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

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Immigration law - Convention refugee - Member of an inadmissible class - Terrorism - Whether there is a conflict in the application of ss. 7 and 1 of the *Charter* regarding the assessment of individual rights and societal interests - Whether the principles of a free and democratic society allow sending a Convention refugee to a country which may torture him - Whether the procedural protections in place for a determination under s. 53 of the *Immigration Act* pass constitutional scrutiny - Whether the right to freedom of association can be claimed by a non-citizen.

PROCEDURAL HISTORY

June 29, 1999
Federal Court, Trial Division
(McGillis J.)

Application for judicial review of a Minister's decision
dismissed

January 18, 2000
Federal Court of Appeal
(Décary, Linden and Robertson JJ.A.)

Appeal dismissed

March 7, 2000
Supreme Court of Canada

Application for leave to appeal filed

May 3, 2000
Supreme Court of Canada
(Binnie J.)

Motion to strike out cross-examination of the Applicant
contained in the Respondent's response at pp. 4 to 67 and
references thereto in the Respondent's memorandum of
argument granted

17.5.2000

Before / Devant: LE REGISTRAIRE

Requête en prorogation du délai imparti pour signifier et déposer le mémoire, le dossier et le recueil de jurisprudence et de doctrine de l'appelant

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

Ministère de la santé et des services sociaux

c. (27022)

Centre Hospitalier Mont-Sinai, et al. (Qué.)

GRANTED / ACCORDÉE Délai prorogé au 1 mai 2000.

17.5.2000

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'intimée

Karl Find

v. (27495)

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

GRANTED / ACCORDÉE Time extended to May 8, 2000.

18.5.2000

Before / Devant: GONTHIER J.

Motion by the respondent to expedite the decision on the application for leave to appeal

Requête de la part de l'intimée visant à accélérer la décision sur la demande d'autorisation d'appel

Giacinto Arcuri

v. (27797)

Her Majesty the Queen (Ont.)

GRANTED / ACCORDÉE

18.5.2000

Before / Devant: McLACHLIN J.

Miscellaneous motions

Autres requêtes

Glen Sebastian Burns, et al.

v. (26211)

United States of America (Crim.)(B.C.)

GRANTED / ACCORDÉES

UPON APPLICATION by counsel on behalf of the Respondents for an order for directions concerning a motion to re-open the application for leave to appeal regarding their committal for extradition;

UPON CONSIDERING the materials filed by the parties in respect thereof:

IT IS ORDERED that:

1. The hearing of the appeal from the Minister's surrender decision will proceed as scheduled on May 23, 2000.
2. The applicants may be heard orally on the other elements of the motion for directions at the beginning of the hearing on May 23, 2000, but any time used for oral argument on the motion will be subtracted from the time allotted for oral argument on the appeal. If the applicants decide not to address the Court orally on the motion, the Court will deal with the motion on the basis of the materials filed.
3. The applicants will notify counsel for the Law Society of British Columbia of their intentions respecting oral argument on the motion on or before May 19, 2000 so that he may make arrangements to be heard by teleconference, if need be.

19.5.2000

Before / Devant: BINNIE J.

Motion to file a reply factum on appeal

Requête en autorisation de dépôt d'un mémoire en réplique

The Minister of National Revenue

v. (27066)

Grand Chief Michael Mitchell also known as
Kanentakeron (F.C.A.)

GRANTED / ACCORDÉE

UPON APPLICATION of the respondent for leave to file a reply factum of not more than 10 pages in response to the factums filed by the Attorneys General of Quebec, New Brunswick, Manitoba and British Columbia, and for additional time for oral argument in order to respond to the arguments presented by these four interveners;

AND UPON READING THE CONSENT of the appellant, the Minister of National Revenue, filed:

IT IS ORDERED that leave be granted to the respondent to file, on or before Friday, May 26, 2000, a reply factum of not more than 10 pages in response to the factums filed by the Attorneys General of Quebec, New Brunswick, Manitoba and British Columbia;

IT IS FURTHER ORDERED that the oral argument of Grand Chief Michael Mitchell be extended to one hour and 20 minutes;

AND IT IS ORDERED that the appellant, the Minister of National Revenue be granted an additional 10 minutes to be utilized either as part of the main argument or in reply.

19.5.2000

Before / Devant: IACOBUCCI J.

Motion for extension of time and leave to intervene

Requête en prorogation de délai et en autorisation d'intervenir

BY/PAR: Boards of Education of the Regina School Division No. 4 et al.

IN/DANS: Ontario English Catholic Teachers' Association, et al.

v. (27363)

Attorney General for Ontario, et al.
(Ont.)

GRANTED / ACCORDÉE

UPON APPLICATION by the Boards of Education of the Regina School Division, No. 4, Saskatchewan Rivers School Division No. 119, Swift Current School Division No. 94, Weyburn School Division No. 97, Yorkton School Division No. 93, Moose Jaw School Division No. 1 and Saskatoon School Division No. 13, for an extension of time and for leave to intervene in the above appeal;

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

- 1) The motion for an extension of time and for leave to intervene of the applicants Boards of Education of the Regina School Division No. 4, Saskatchewan Rivers School Division No. 119, Swift Current School Division No. 94, Weyburn School Division No. 97, Yorkton School Division No. 93, Moose Jaw School Division No. 1 and Saskatoon School Division No. 13, is granted, the applicants shall be entitled to serve and file a factum not to exceed 20 pages in length and to present oral argument not to exceed 15 minutes.

The interveners shall not be entitled to adduce further evidence or otherwise to supplement the record apart from their factums and oral submissions.

Pursuant to Rule 18(6) the interveners shall pay to the appellants and respondent any additional disbursements occasioned to the appellants and respondent by the interventions.

24.5.2000

CORAM: Iacobucci, Major, Bastarache, Binnie and Arbour JJ.

Motion to quash and motion by the appellant for substitution of party

The Law Society of British Columbia

v. (27108)

Jaswant Singh Mangat and Westcoast Immigration Consultants Ltd. (B.C.)

Requête en annulation et requête de l'appelante en substitution d'une partie

Craig P. Dennis and Mel Crowson, for the motion.

William S. Berardino, Q.C., for the appellant.

Jack Giles, Q.C., for the intervener Organization of Professional Immigration Consultants Inc.

IACOBUCCI J. (orally):

The application by the Respondent Mangat to quash the appeal for mootness is denied.

The appellant The Law Society of British Columbia shall pay the fair and reasonable costs of the Respondent Mangat for the Motion heard today and for the appeal in the Supreme Court of Canada; in the event of no such agreement, the parties shall return to the Court for an order.

The motion to add Ms. Jill Sparling is granted without costs.

[TRADUCTION]

LE JUGE IACOBUCCI (oralement):

La demande présentée par l'intimé Mangat en vue de faire annuler l'appel pour cause d'absence de caractère pratique est rejetée.

L'appelante The Law Society of British Columbia devra payer les dépens justes et raisonnables de l'intimé Mangat relativement à la requête entendue aujourd'hui et à l'appel devant la Cour suprême du Canada; à défaut d'un tel accord, les parties devront s'adresser de nouveau à la Cour pour qu'elle rende une ordonnance à ce sujet.

La requête visant à ajouter M^{me} Jill Sparling est accordée sans dépens.

16.5.2000

Terrence Blake Scott

v. (27781)

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

AS OF RIGHT

17.5.2000

Her Majesty the Queen

v. (27477)

John R. Singleton (F.C.A.)

18.5.2000

Osoyoos Indian Band

v. (27408)

The Town of Oliver et al. (B.C.)

18.5.2000

Sa Majesté la Reine

c. (27652)

Réjean Parent (Qué.)

**NOTICE OF DISCONTINUANCE
FILED SINCE LAST ISSUE**

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

17.5.2000

Westar Petroleum Ltd., et al.

v. (27188)

Colborne Capital Corporation, et al. (Alta.)

(appeal)

**APPEALS HEARD SINCE LAST ISSUE
AND DISPOSITION**

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

23.5.00

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

RE-HEARING / NOUVELLE AUDITION

Minister of Justice

v. (26129)

**Glen Sebastian Burns and Atif Ahmad Rafay
(Crim.)(B.C.)**

S. David Frankel, Q.C. and Deborah J. Strachan, for the appellant.

Marlys A. Edwardh, Clayton Ruby, Jill Copeland and A. Breese Davies, for the respondent Atif Ahmad Rafay.

Edward L. Greenspan, Q.C. and Alison Wheeler, for the respondent Glen Sebastian Burns.

David Matas and Mark Hecht, for the intervener Amnesty International, Canadian Section (English speaking).

Michael Lomer and James Lockyer, for the intervener Criminal Lawyers Association.

Richard C.C. Peck, Q.C. and Nikos Harris, for the intervener Washington Association of Criminal Defence Lawyers (written submission only).

No one appearing for the intervener The Senate of Italian Republic (written submission by Lorne Waldman).

No one appearing for the intervener International Centre for Criminal Law & Human Rights (written submission by Martin W. Mason).

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

Canadian Charter of Rights and Freedoms - Criminal law - Extradition - Mobility Rights - Whether the Court of Appeal erred in holding that in the absence of assurances that the requesting state would not seek the death penalty the surrender of the Respondent would violate their rights under s. 6(1) of the *Charter* - Whether the Court of Appeal erred in holding that the Minister failed to properly exercise his discretion in deciding not to seek assurances that the requesting state would not seek the death penalty.

Nature de la cause:

Charte canadienne des droits et libertés - Droit criminel - Extradition - Liberté de circulation et d'établissement - La Cour d'appel a-t-elle commis une erreur en concluant que, en l'absence d'assurances que l'État requérant ne demanderait pas la peine de mort, livrer les intimés violerait les droits que leur reconnaît l'art. 6(1) de la *Charte*? - La Cour d'appel a-t-elle commis une erreur en concluant que le ministre n'a pas bien exercé son pouvoir discrétionnaire en décidant de ne pas demander des assurances que l'État requérant ne demanderait pas la peine de mort?

25.5.2000

CORAM: Gonthier, Iacobucci, Major, Bastarache, Binnie, Arbour and LeBel JJ.

Pacific National Investments Limited

v. (27006)

City of Victoria (B.C.)

RESERVED / EN DÉLIBÉRÉ**Nature of the case:**

Municipal law - Rezoning or "Down-zoning" - Development of lands - Contract with City - Action for breach of contract- Whether the Court of Appeal erred in finding that a contractual claim and a resulting remedy was not possible because it could only be achieved by implying an unlawful term in the Songhees Master Agreement that future Councils could not down zone any of the lots referred to in the Agreement - Whether the Court of Appeal failed to uphold the public interest as expressed in s. 108(2) of the *Land Title Act* - Whether the Respondent probably had no standing to argue this *Land Title Act* provision - Whether there should be another trial when the plaintiff by operation of statute no longer owns the lands in question and lost title prior to the rezoning by the City.

L. John Alexander and Charles Hannan, for the appellant (respondent on cross-appeal).

Guy McDannold, for the respondent (appellant on cross-appeal).

Nature de la cause:

Droit municipal - Rezonage ou «dédensification» -- Aménagement foncier - Contrat avec la Ville - Action pour rupture de contrat - La Cour d'appel a-t-elle commis une erreur en concluant qu'elle ne pouvait pas faire droit à une réclamation contractuelle visant l'octroi d'une mesure de redressement parce qu'il faudrait alors qu'elle suppose l'existence d'une condition illégale dans l'Entente-cadre relative aux Songhees, selon laquelle, à l'avenir, le Conseil ne peut plus dédensifier les lots mentionnés dans l'entente? - La Cour d'appel a-t-elle omis de protéger l'intérêt public mentionné au par. 108(2) du *Land Title Act*? - L'argument selon lequel l'intimée n'avait probablement pas la qualité voulue pour invoquer cette disposition du *Land Title Act* est-il fondé? -Devrait-il y avoir un autre procès lorsque la partie plaignante par application de la loi n'est plus propriétaire des biens-fonds en question et a perdu son titre de propriété avant que la Ville n'effectue le rezonage?

REHEARING**NOUVELLE AUDITION**

MAY 25, 2000 / LE 25 MAI 2000

25838

THE ATTORNEY GENERAL FOR ONTARIO -v.- M. -and- H. (Ont.)

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

The application for a rehearing is dismissed with costs.

La demande de nouvelle audition est rejetée avec dépens.

**The Court will not be sitting on the weeks beginning May 29 and June 5, 2000
La Cour ne siègera pas durant les semaines commençant les 29 mai et 5 juin 2000.**

NOTE:

This agenda is subject to change. Hearing dates should be confirmed with 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 12, 2000**
Service : May 19, 2000
Filing : May 26, 2000
Respondent : June 2, 2000

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 : **12 juin 2000**
Signification : 19 mai 2000
Dépôt : 26 mai 2000
Intimé : 2 juin 2000

DEADLINES: APPEALS

DÉLAIS: APPELS

The Fall Session of the Supreme Court of Canada will commence October 2, 2000.

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

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

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

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

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

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

The Registrar shall inscribe the appeal for hearing upon the filing of the respondent's factum or after the expiry of the time for filing the respondent's factum.

La session d'automne de la Cour suprême du Canada commencera le 2 octobre 2000.

Conformément à la *Loi sur la Cour suprême* et aux *Règles*, il faut se conformer aux exigences suivantes avant qu'un appel puisse être inscrit pour audition:

Le dossier de l'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.

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

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

SUPREME COURT OF CANADA SCHEDULE
CALENDRIER DE LA COUR SUPREME

- 1999 -

OCTOBER - OCTOBRE						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
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31						

NOVEMBER - NOVEMBRE						
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DECEMBER - DECEMBRE						
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- 2000 -

JANUARY - JANVIER						
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FEBRUARY - FÉVRIER						
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JUNE - JUIN						
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Sittings of the court:
Séances de la cour:

Motions:
Requêtes:

Holidays:
Jours fériés:

M
H

18 sitting weeks / semaines séances de la cour
77 sitting days / journées séances de la cour

9 motion and conference days / journées requêtes, conférences
4 holidays during sitting / jours fériés durant les sessions