

**SUPREME COURT  
OF CANADA**



**COUR SUPRÊME  
DU CANADA**

**BULLETIN OF  
PROCEEDINGS**

**BULLETIN DES  
PROCÉDURES**

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**APPLICATIONS FOR LEAVE TO  
APPEAL FILED**

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

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**Alain Guyot et al.**

Julius H. Grey  
Grey Casgrain

v. (27739)

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

Pierre Lévesque  
A.G. of Quebec

FILING DATE 7.2.2000

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**H.K.**

v. (27745)

**Le tribunal de la jeunesse (Qué.)**

DATE DE PRODUCTION 8.2.2000

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

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

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**FEBRUARY 21, 2000 / LE 21 FÉVRIER 2000**

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

**Ian Brown and Marcus Leech  
carrying on business as Synchronics**

**v. (27405)**

**Synchronics, Incorporated (F.C.A.)(Ont.)**

**NATURE OF THE CASE**

*Canadian Charter of Rights and Freedoms* - Procedural law - Judgment and orders - Action against partnership alleging copyright infringement - Interlocutory application by partners to act for partnership and file joint defence and counterclaim dismissed - Application to reconsider dismissed - On motion for default judgment by Respondent, order issuing allowing Applicants 15 days to retain lawyer, failing which default judgment would issue - Applicants' appeal quashed - Whether time to appeal from interlocutory orders of Federal Court (Trial Division) expired.

**PROCEDURAL HISTORY**

March 23, 1999 Federal Court of Canada (Trial Division) (Teitelbaum J.F.C.C.)	Application for an order authorizing the human Applicants to act for the defendant Synchronics, and for an order permitting all three defendants to file a joint statement of defence and counterclaim denied
May 7, 1999 Federal Court of Canada (Trial Division) (Teitelbaum J.F.C.C.)	Application for reconsideration denied; Applicants ordered to retain the services of legal counsel within 15 days of order, failing which judgment would be granted by default
June 15, 1999 Federal Court of Appeal (Linden, Rothstein and Noël JJ.A.)	Respondent's application to quash Applicants' appeal allowed
August 26, 1999 Federal Court of Appeal (Strayer J.A.)	Motion for an order staying the execution of judgment dismissed
September 14, 1999 Supreme Court of Canada	Application for leave to appeal filed

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**Karin A. Ruggeberg**

**v. (27344)**

**Bancomer, S.A. (Ont.)**

**NATURE OF THE CASE**

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Procedural law - Civil procedure - Conflict of laws - *Forum non conveniens* - Applicant commencing action in Ontario for damages arising out of termination of employment with Mexican bank - Ontario action stayed on ground that Mexico was appropriate forum - Whether, in absence of contractual stipulation, employees working in Canada for foreign employers are presumptively governed by employment law of Canada or by that of employer's jurisdiction - Whether Canadian law should be applied to determine whether or not a jurisdiction clause unilaterally imposed by a foreign employer after employment has commenced should apply to the contract of employment - Whether there are circumstances where a dismissed employee may have resort to remedies in more than one jurisdiction - Whether contracts of employment with foreign employers are treated differently from those with domestic employers.

**PROCEDURAL HISTORY**

February 13, 1998 Ontario Court of Justice (General Division) (Cullity J.)	Respondent's motion for a permanent stay granted
April 16, 1999 Court of Appeal for Ontario (Doherty, Abella and O'Connor JJ.A.)	Applicant's appeal dismissed
June 10, 1999 Supreme Court of Canada	Application for leave to appeal filed

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

**Llewelyn Simon**

**v. (27345)**

**Her Majesty The Queen in Right of Ontario (Ont.)**

**NATURE OF THE CASE**

Canadian Charter - Criminal law - Crown liability - Torts - Malicious prosecution - What is the nature and scope of the cause of action created by sections 7 and 24 of the *Canadian Charter of Rights and Freedoms* - Whether that cause of action is separate and distinct from the common law tort of malicious prosecution - Whether the prosecution of an individual for the offence of fraud, in the circumstances of the present case, where there is no evidence of *mens rea*, is a violation of the individual's rights under section 7 of the *Charter* - Whether the Crown has an absolute right to prosecute - Whether the Supreme Court's decision in *Weber v. Ontario Hydro*, [1995] 2 S.C.R. 929, applies to the facts of this case?

**PROCEDURAL HISTORY**

August 4, 1998 Ontario Court of Justice (General Division) (LaForme J.)	Applicant's motion to amend his statement of claim and add a defendant dismissed; Respondent's motion for summary judgment allowed; Applicant's action dismissed
April 8, 1999 Court of Appeal for Ontario (Labrosse, Abella and Charron JJ.A.)	Appeal dismissed
June 10, 1999 Supreme Court of Canada	Application for leave to appeal and motion for extension of time filed

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**Alan Thomas Mathers**

**v. (27387)**

**Sun Life Assurance Company of Canada (B.C.)**

**NATURE OF THE CASE**

Commercial law - Insurance - Breach of contract - Long term disability benefits - “Total disability” within the policy of insurance - Whether the Court of Appeal erred in law in dismissing the appeal - Whether uncontradicted expert testimony given at trial may be disregarded without making any adverse finding as to the credibility of the expert witness - Whether expert medical evidence may be disregarded where the trial judge does not agree with the expert’s methodology of diagnosis, in the absence of expert evidence contradicting the validity of the methodology used - Whether a trial judge may substitute her own opinion for that of an expert witness - Whether subjective pain and genuine belief in disability can satisfy the test for total disability in the absence of medical evidence as to the cause of the pain.

**PROCEDURAL HISTORY**

March 11, 1998 Supreme Court of British Columbia (Allan J.)	Applicant’s claim for damages for breach of contract dismissed
April 28, 1999 Court of Appeal for British Columbia (Goldie, Finch, Ryan JJ.A.)	Appeal dismissed
June 28, 1999 Supreme Court of Canada	Application for leave to appeal filed

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

**Society of Composers, Authors and  
Music Publishers of Canada**

**v. (27304)**

**Canadian Association of Broadcasters and  
Société du droit de reproduction des auteurs,  
compositeurs et éditeurs au Canada (F.C.A.)**

### **NATURE OF THE CASE**

Administrative law - Broadcasting - Judicial review - Jurisdiction - Copyright Board certifying Applicant's tariff for commercial television stations - Whether Copyright Board had jurisdiction to incorporate the modified blanket licence in Applicant's tariff as a new and additional form of licence that could be used by a broadcaster at its option - Whether Board in so amending Applicant's tariff was motivated by an extraneous and irrelevant consideration.

### **PROCEDURAL HISTORY**

March 19, 1999 Federal Court of Appeal (Décary, Robertson and Noël J.J.A.)	Application for judicial review of a decision of the Copyright Board certifying the Applicant's tariff for the year 1997 dismissed
May 18, 1999 Supreme Court of Canada	Application for leave to appeal filed

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**Jean Lamy, La Commission des lésions professionnelles  
et La Commission de la santé et de la sécurité du travail**

**c. (27311)**

**La Société canadienne des postes**

**- et -**

**Le Procureur général du Canada (Qué.)**

### **NATURE DE LA CAUSE**

Droit du travail - Droit administratif - Législation - Accidents du travail - Interprétation - Contrôle judiciaire - Quelle est l'étendue du renvoi aux lois provinciales d'accidents du travail et de maladies professionnelles qu'effectue la *Loi sur l'indemnisation des employés de l'État*, L.R.C. 1970, ch. C-9 (ci-après "la L.I.E.É.")? - Quelle est la norme de contrôle applicable à l'égard de la décision d'un organisme provincial portant sur l'application d'une disposition de preuve et de procédure alors qu'il est habilité par le législateur fédéral en vertu de la L.I.E.É. à décider des questions d'admissibilité à l'indemnisation pour les employés de l'État fédéral? - Quelle est la norme de contrôle judiciaire applicable à la décision rendue par la Commission d'appel en matière de lésions professionnelles pour décider du droit à l'indemnité du demandeur Jean Lamy? - La Commission d'appel en matière de lésions professionnelles pouvait-elle décider du droit à l'indemnisation du demandeur Lamy en appliquant l'article 28 de la *Loi sur les accidents du travail et les maladies professionnelles*, L.R.Q., ch. A-3.001 (ci-après "la L.A.T.M.P.")?

### **HISTORIQUE PROCÉDURAL**

Le 23 décembre 1992 Cour supérieure du Québec (Philippon j.c.s.)	Requête en révision judiciaire d'une décision de la Commission d'appel en matière de lésions professionnelles rejetée
Le 25 mars 1999 Cour d'appel du Québec (LeBel, Nuss, et Denis [ <i>ad hoc</i> ] j.j.c.a.)	Appel de l'intimée la Société canadienne des postes accueilli en partie; Requête en révision judiciaire accueillie en partie; Décision de la Commission d'appel en matière de lésions professionnelles annulée

APPLICATIONS FOR LEAVE  
SUBMITTED TO COURT SINCE LAST ISSUE

DEMANDES SOUMISES À LA COUR DEPUIS  
LA DERNIÈRE PARUTION

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Le 21 mai 1999  
Cour suprême du Canada

Demande d'autorisation d'appel du demandeur Lamy  
déposée

Le 25 mai 1999  
Cour suprême du Canada

Demande d'autorisation d'appel de la Commission des  
lésions professionnelles déposée

Le 25 mai 1999  
Cour suprême du Canada

Demande d'autorisation d'appel de la Commission de la  
santé et de la sécurité du travail déposée

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**FEBRUARY 24, 2000 / LE 24 FÉVRIER 2000**

**27234**            **HELO LAFRENTZ AND UWE LAFRENTZ v. HERBERT MICHEL** (Alta.)

CORAM:            The Chief Justice, Iacobucci and Major 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 - Partnership - Torts - Damages - Liability - Whether the trial judge should have attributed unlimited liability to individuals participating in a limited partnership - Whether s. 63 of the *Partnership Act*, R.S.A. 1980, c. P-2 is intended to benefit armslength creditors of the partnership as opposed to other limited partners with claims for additional compensation - Whether in the absence of a specific agreement a limited partner is entitled to claim additional compensation for effort expended for the partnership on the basis of *quantum meruit* or unjust enrichment - And if so, who pays?

**PROCEDURAL HISTORY**

February 27, 1996  
Court of Queen's Bench of Alberta  
(Perras J.)

Respondent's consolidated action (the "road marking action" and the "farm action") allowed in part: Respondent awarded compensation for managing the farm business; loss of a proportionate share of profits from the road marking business; other issues were determined in the road marking action, and costs

May 13, 1997  
Court of Queen's Bench of Alberta  
(Perras J.)

Supplementary reasons in "farm action" issued

February 4, 1999  
Court of Appeal of Alberta  
(Hetherington, Côté, and Picard JJ.A.)

Appeal from "farm action" dismissed with costs

April 16, 1999  
Supreme Court of Canada

Application for leave to appeal in "farm action" filed

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**27268**            **MICHAEL S. BUHLERS v. THE SUPERINTENDENT OF MOTOR VEHICLES FOR THE PROVINCE OF BRITISH COLUMBIA and THE ATTORNEY GENERAL OF BRITISH COLUMBIA** (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* - Civil - Constitutional law - Division of powers - Applicant receiving notice of driving prohibition after failing roadside screening test - Whether driving prohibition provisions of British Columbia *Motor Vehicle Act* are within legislative competence of province - Whether right to drive a motor vehicle is a liberty protected by s. 7 of *Charter* - Whether driving prohibition provisions violate ss. 7 through 12 of *Charter*.

**PROCEDURAL HISTORY**

March 5, 1998 Supreme Court of British Columbia (Melvin J.)	Applicant's petition challenging constitutionality of ss. 94.1 through 94.6 of B.C. <i>Motor Vehicle Act</i> dismissed
February 24, 1999 Court of Appeal for British Columbia (Hinds, Prowse and Finch JJ.A.)	Appeal dismissed
April 26, 1999 Supreme Court of Canada	Application for leave to appeal filed

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27216 **TOM DUNMORE, SALAME ABDULHAMID and WALTER LUMSDEN and MICHAEL DOYLE, on their own behalf and on behalf of the UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION - v. - ATTORNEY GENERAL FOR THE PROVINCE OF ONTARIO, HIGHLINE PRODUCE LIMITED, KINGSVILLE MUSHROOM FARMING., FLEMING CHICKS** (Ont.)

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

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

**NATURE OF THE CASE**

*Canadian Charter of Rights and Freedoms* - Civil - Freedom of Association - Equality rights - Labour law - Labour relations - Unions - Collective bargaining - Sections 2(d) and 15(1) of the *Canadian Charter of Rights and Freedoms* - Whether the exclusion of agricultural workers from Ontario's statutory labour relations system violates their freedom of association under s. 2(d) of the *Charter* - Whether the enactment of legislation which directly or indirectly results in the limitation of a fundamental freedom, through the intermediary, of private power constitutes government action subject to review under the *Charter* - Whether the exclusion of agricultural workers from Ontario's statutory labour relations system violates their rights to equal protection and benefit of the law under s. 15(1) of the *Charter* - Whether discrimination on the basis of membership in a group defined by occupational status, in circumstances where that status is associated with disadvantage and powerlessness in society, may constitute discrimination on a ground analogous to the enumerated grounds in s. 15(1) of the *Charter*?

**PROCEDURAL HISTORY**

December 9, 1997 Ontario Court of Justice (General Division) (Sharpe J.)	Application dismissed
January 26, 1999 Court of Appeal for Ontario (Krever, Doherty and Rosenberg JJ.A.)	Appeal dismissed
March 29, 1999 Supreme Court of Canada	Application for leave to appeal filed

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**27199**            **RAGBIER SINGH BHANDAR - v. - ABTAR SINGH BAINS** (B.C.)

CORAM:        Major, Binnie and Arbour JJ.

Upon application by the appellant for an Order delaying the release of the results of his application for leave to appeal; and upon reviewing the material filed; it is ordered that the application be dismissed.

À la suite d'une demande de l'appellant visant à obtenir une ordonnance retardant le dépôt du résultat de sa demande d'autorisation d'appel, et après avoir examiné la documentation déposée, il est ordonné que la demande soit rejetée.

**NATURE OF THE CASE**

Procedural law - Civil procedure - Setting aside judgments - Whether it is appropriate to draw an inference that a fraud is material absent proof of materiality - Whether it is appropriate to set aside a previous final judgment on the basis of a fraud that goes to a collateral issue such that it might affect one party's credibility - Whether agreements which prohibit a witness from actively assisting one of the parties in litigation may constitute a fraud on the court process - Traditional and correct test for setting aside a judgment on the basis of fraud - Proper scope of appellate review

**PROCEDURAL HISTORY**

July 15, 1997 Supreme Court of British Columbia (Lowry J.)	Action dismissed
January 22, 1999 Court of Appeal for British Columbia (McEachern C.J.B.C., Prowse J.A. and Braidwood J.A.)	Trial judgment set aside, new trial ordered
March 19, 1999 Supreme Court of Canada	Application for leave to appeal filed

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**27199**                    **RAGBIER SINGH BHANDAR - v. - ABTAR SINGH BAINS (B.C.)**

CORAM:                Major, Binnie and Arbour JJ.

The application for leave to appeal is dismissed with costs. The motion to adduce new evidence is dismissed with costs.

La demande d'autorisation d'appel est rejetée avec dépens. La demande visant à présenter de nouveaux éléments de preuve est rejetée avec dépens.

**NATURE OF THE CASE**

Procedural law - Civil procedure - Setting aside judgments - Whether it is appropriate to draw an inference that a fraud is material absent proof of materiality - Whether it is appropriate to set aside a previous final judgment on the basis of a fraud that goes to a collateral issue such that it might affect one party's credibility - Whether agreements which prohibit a witness from actively assisting one of the parties in litigation may constitute a fraud on the court process - Traditional and correct test for setting aside a judgment on the basis of fraud - Proper scope of appellate review

**PROCEDURAL HISTORY**

July 15, 1997 Supreme Court of British Columbia (Lowry J.)	Action dismissed
January 22, 1999 Court of Appeal for British Columbia (McEachern C.J.B.C., Prowse J.A. and Braidwood J.A.)	Trial judgment set aside, new trial ordered
March 19, 1999 Supreme Court of Canada	Application for leave to appeal filed

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15.2.2000

Before / Devant: THE REGISTRAR

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

**Requête en prorogation du délai imparti pour signifier et déposer la réplique du demandeur**

John Martin Crawford

v. (27195)

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

**GRANTED / ACCORDÉE** Time extended to such a date to be calculated from the release of this Court's reasons in G.D.B. v. The Queen (27240).

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15.2.2000

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'intimé**

Andrew Scott Darrach

v. (26564)

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

**GRANTED / ACCORDÉE** Time extended to October 6, 1999.

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15.2.2000

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'intimé**

Atomic Energy Control Board

v. (27632)

Alexander Danilov (Ont.)

**GRANTED / ACCORDÉE** Time extended to February 8, 2000.

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17.2.2000

Before / Devant: MAJOR 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**

David Masmarti

v. (27711)

Commission des affaires sociales (Qué.)

**GRANTED / ACCORDÉE** Time extended to March 23, 2000.

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17.2.2000

Before / Devant: MAJOR 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**

David Masmarti

v. (27712)

Bernard Cohen, et al. (Qué.)

**GRANTED / ACCORDÉE** Time extended to March 23, 2000.

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18.2.2000

Before / Devant: THE REGISTRAR

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

**Requête en prorogation du délai imparti pour signifier et déposer le mémoire et le recueil de jurisprudence et de doctrine de l'intervenante la procureure générale du Québec**

K.L.W.

v. (26779)

Winnipeg Child and Family Services (Man.)

**GRANTED / ACCORDÉE** Délai prorogé au 10 février 2000.

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18.2.2000

Before / Devant: THE REGISTRAR

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

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

A.R.B.

v. (26918)

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

**GRANTED / ACCORDÉE** Time extended to February 8, 2000.

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18.2.2000

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'intimé**

Her Majesty the Queen

v. (27678)

Clarence Hoyles (Crim.)(Nfld.)

**GRANTED / ACCORDÉE** Time extended to February 18, 2000.

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21.2.2000

Before / Devant: THE REGISTRAR

**Motion to extend the time in which to serve and file the intervener the Attorney General of Saskatchewan book of authorities**

**Requête en prorogation du délai imparti pour signifier et déposer le recueil de jurisprudence et de doctrine de l'intervenant le procureur général de la Saskatchewan**

Reference respecting the firearms Act

v . (26933)

Attorney General of Canada (Alta.)

**GRANTED / ACCORDÉE** Time extended to February 9, 2000.

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22.2.2000

Before / Devant: MAJOR 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**

Elwyn Patterson, et al.

v. (27757)

Attorney General of British Columbia et al. (B.C.)

**GRANTED / ACCORDÉE** Time extended to February 11, 2000.

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15.2.2000

**François Simard**

**c. (27767)**

**Sa Majesté la Reine (Qué.)**

**DE PLEIN DROIT**

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17.2.2000

**Ville de Sept-Îles**

**c. (27291)**

**Le Syndicat canadien de la fonction publique,  
section locale 2589 et al. (Qué.)**

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21.2.2000

**John Gorenko et al.**

**v. (27266)**

**Her Majesty the Queen in right of Canada et al.  
(Qué.)**

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**NOTICES OF INTERVENTION FILED  
SINCE LAST ISSUE**

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

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BY/PAR: Attorney General of New Brunswick

IN/DANS: **The Minister of National Revenue**

**v. (27066)**

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

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**NOTICE OF DISCONTINUANCE  
FILED SINCE LAST ISSUE**

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

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18.2.2000

**Joel Epstein et al.**

**v. (27608)**

**The Salvation Army Scarborough Grace General  
Hospital et al. (Ont.)**

(leave)

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**APPEALS HEARD SINCE LAST ISSUE  
AND DISPOSITION**

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

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21.2.2000 & 22.2.2000

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

**Reference respecting the firearms Act**

**v. (26933)**

**Attorney General of Canada (Alta.)**

Roderick A. McLennan, Q.C., Thomas W.R. Ross and Neal A. McLennan, for the appellant.

Robert Earl Charney and Edward J. Maksimowski, for the intervener the A.G. for Ontario.

Louise Walsh Poirier and Reinhold Endres, Q.C., for the intervener the A.G. of Nova Scotia.

Gabriel Bourgeois, for the intervener the A.G. of New Brunswick.

Kenneth J. Tyler, for the intervener the A.G. of Manitoba.

Graeme G. Mitchell, Q.C. and Thomson Irvine, for the intervener the A.G. of Saskatchewan.

Scott Duke, for the intervener the Government of the Northwest Territories.

William Craik and Lee Kirkpatrick, for the intervener the Government of the Yukon Territory.

Delia Opekokew, Darren W. Winegarden, Albert C. Peeling and John D. Parsons, for the intervener Federation of Saskatchewan Indian Nations.

Dallas K. Miller, Q.C., for the intervener Coalition of Responsible Firearm Owners and Sportsmen (CORFOS).

David R. Holman, for the intervener Law-Abiding Unregistered Firearms Association (LUFA).

Brian A. Crane, Q.C. and Paul Shaw, for the intervener Shooting Federation of Canada.

Graham R. Garton, Q.C. and Sheila Martin, Q.C., for the respondent.

Paul Larochelle, c.r. et Michelle Thivierge, pour l'intervenante Association pour la santé publique du Québec.

Alexander D. Pringle, Q.C. and June Ross, for the intervener Alberta Council of Women's Shelters.

Peter A. Downard, Paul F. Monahan and Rochelle S. Fox, for the interveners CAVEAT, et al.

Jill Copeland, for the interveners Coalition for Gun Control.

**RESERVED / EN DÉLIBÉRÉ**

**Nature of the case:**

Constitutional law - Division of powers - *Firearms Act*, S.C. 1995, c. 39 - Whether the licensing provisions as they related to an ordinary firearm, constituted an infringement of the jurisdiction of the Legislature of Alberta with respect to the regulation of property and civil rights - Whether the registration provisions, as they related to an ordinary firearm, constituted an infringement of the jurisdiction of the Legislature of Alberta with respect to the regulation of property and civil rights.

**Nature de la cause:**

Droit constitutionnel – Répartition des compétences – *Loi sur les armes à feu*, L.C. 1995, ch. 39 – Les dispositions relatives à la délivrance de permis, dans la mesure où elles portent sur les armes à feu ordinaires, constituent-elles une violation de la compétence de la législature de l’Alberta en ce qui concerne la réglementation de la propriété et des droits civils? – Les dispositions relatives à l’enregistrement, dans la mesure où elles portent sur les armes à feu ordinaires, constituent-elles une violation de la compétence de la législature de l’Alberta en ce qui concerne la réglementation de la propriété et des droits civils?

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23.2.2000

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

**Andrew Scott Darrach**

**v. (26564)**

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

Lawrence Greenspon and Blair Crew, for the appellant.

Rosella M. Cornaviera and Karen Shai, for the respondent.

Graham R. Garton, Q.C. and Robin Parker, for the intervener the A.G. of Canada.

Joanne Marceau et Marie-Claude Gilbert, pour l’intervenant le procureur général du Québec.

Cynthia Devine, for the intervener the A.G. of Manitoba.

Alexander Budlovsky and Marian K. Brown, for the intervener the A.G. of British Columbia.

Elizabeth Thomas and Carissima Mathen, for the interveners Women’s Legal Education and Action Fund, et al.

**RESERVED / EN DÉLIBÉRÉ**

**Nature of the case:**

*Canadian Charter of Rights and Freedoms* - Criminal law - Evidence - Sexual assault - Whether ss. 276(1),

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276.1(2)(a), 276.2(2) and 276(2)(c) (the “rape shield” provisions) infringe an accused’s *Charter* rights.

**Nature de la cause:**

*Charte canadienne des droits et libertés* - Droit criminel - Preuve - Agression sexuelle - Les art. 276(1), 276.1(2)a), 276.2(2) et 276(2)c) (dispositions sur la « protection des victimes de viol ») portent-ils atteinte aux droits de l’accusé garantis par la *Charte*?

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**WEEKLY AGENDA**

**ORDRE DU JOUR DE LA  
SEMAINE**

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**AGENDA for the weeks beginning February 28 and March 6, 2000.  
ORDRE DU JOUR pour les semaines commençant les 28 février et 6 mars 2000.**

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Date of Hearing/  
Date d'audition

Case Number and Name/  
Numéro et nom de la cause

The Court will not be sitting on those weeks

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La Cour ne siègera pas durant ces semaines

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**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

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### BEFORE THE COURT:

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

**Motion day** : **March 13, 2000**  
Service : February 21, 2000  
Filing : February 25, 2000  
Respondent : March 3, 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** : **13 mars 2000**  
Signification : 21 février 2000  
Dépôt : 25 février 2000  
Intimé : 3 mars 2000

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## DEADLINES: APPEALS

## DÉLAIS: APPELS

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The Spring Session of the Supreme Court of Canada will commence April 10, 2000.

La session de printemps de la Cour suprême du Canada commencera le 10 avril 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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SUPREME COURT OF CANADA SCHEDULE  
CALENDRIER DE LA COUR SUPREME

- 1999 -

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

NOVEMBER - NOVEMBRE						
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	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	M 6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	H 27	H 28	29	30	31	

- 2000 -

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

MARCH - MARS						
S D	M L	T M	W M	T J	F V	S S
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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
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16	17	18	19	20	H 21	22
23	H 24	25	26	27	28	29
30						

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

Sittings of the court:  
Séances de la cour:

Motions:  
Requêtes:

Holidays:  
Jours fériés:

M
H

18 sitting weeks / semaines séances de la cour

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