

**SUPREME COURT  
OF CANADA**



**COUR SUPRÊME  
DU CANADA**

**BULLETIN OF  
PROCEEDINGS**

**BULLETIN DES  
PROCÉDURES**

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DATE DE PRODUCTION 19.10.2001

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DATE DE PRODUCTION 29.10.2001

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DATE DE PRODUCTION 31.10.2001

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FILING DATE 26.10.2001

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FILING DATE 29.10.2001

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NOVEMBER 5, 2001 / LE 5 NOVEMBRE 2001

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

**Jerome Morin**

**v. (28749)**

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

**NATURE OF THE CASE**

*Canadian Charter of Rights and Freedoms* - Criminal law - Search and Seizure - Wiretap authorizations - *Garofoli* test for review - Whether *Garofoli* test for review of authorizations to intercept private communications can and should be applied in all cases, regardless of the peculiar circumstances of individual cases - Whether, in a case where all or almost all available information as to the credibility or reliability of the source or sources of information relied upon was omitted from the affidavit sworn in support of the authorization application, and where corroboration of the source information is negligible to the point of being non-existent, a reviewing judge should be restricted to asking the question, could the issuing judge have properly issued the authorization had the omitted material been included, as opposed to the question, should the authorization have been granted - Whether the integrity of the prior authorization process will be adequately preserved by a test which in all circumstances precludes a reviewing judge who has heard evidence subjected to cross-examination from setting aside the decision of an issuing judge before whom the proceedings were *ex parte* and who did not have the benefit of hearing cross-examination

**PROCEDURAL HISTORY**

May 11, 2000 Court of Queen's Bench of Alberta (Clackson J.)	Acquittal: Offering a secret commission
May 9, 2001 Court of Appeal of Alberta (McClung, Russell JJ.A. and Belzil J.)	Appeal allowed; new trial ordered
August 24, 2001 Supreme Court of Canada	Application for leave to appeal filed
September 20, 2001 Supreme Court of Canada (Arbour J.)	Motion to extend time granted

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**Friends of the Old Man River Society**

v. (28709)

**Association of Professional Engineers, Geologists and Geophysicists of Alberta, Council of the Association of Professional Engineers, Geologists and Geophysicists of Alberta, J. Thiessen, P. Melnychuk, J. Ruttan, B. Nicolson and J. Campbell (Alta.)**

**NATURE OF THE CASE**

Administrative law - Judicial review - Disciplinary hearing of professional association - Applicant making complaints to professional association about certain of its members' conduct - Discipline Committee conducting investigation and deciding to discontinue investigation - Association Council reviewing decision of Discipline Committee to cease investigation of members - Applicant invited to make submissions to Council - Applicant not permitted to have legal counsel, to be present during testimony of members or to cross-examine those members - Council confirming the Discipline Committee's decision to discontinue investigation - Whether Council's decision subject to judicial review.

**PROCEDURAL HISTORY**

September 24, 1997  
Court of Queen's Bench of Alberta  
(Cooke J.C.Q.B.A.)

Respondents' application for a declaration that Applicant and Opron Construction Co. Ltd. do not have standing to bring an action, dismissed: Applicant's application allowed

May 2, 2001  
Court of Appeal of Alberta  
(McClung, O'Leary JJ.A. and Clarke J.)

Appeals allowed; Chambers Judge order set aside and application for judicial review dismissed

July 31, 2001  
Supreme Court of Canada

Application for leave to appeal filed

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**Chhotabhai Patel**

v. (28695)

**The Regional Municipality of Peel, Peel Non-Profit Housing Corporation and Janet Mammone, and Ontario Human Rights Commission (Ont.)**

**NATURE OF THE CASE**

Administrative law - Appeal - Judicial review - Human Rights - Ontario Human Rights Commission exercising discretion not to refer complaint to Board of Inquiry due to insufficient evidence to support allegations - Commission decision found reasonable on judicial review - Leave to appeal refused by Ontario Court of Appeal - Whether legal issues of sufficient public importance to interfere with discretionary decision of intermediate appellate court in denying leave to appeal.

**PROCEDURAL HISTORY**

January 26, 2001  
Superior Court of Justice  
(O'Leary, Jennings and Aitken JJ.)

Applicant's application for judicial review of the Ontario Human Rights Commission dated April 12, 1999, dismissed

May 25, 2001  
Court of Appeal for Ontario

Application for leave to appeal dismissed

(McMurtry C.J.O., Abella and Goudge JJ. A.)

July 23, 2001  
Supreme Court of Canada

Application for leave to appeal filed

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**Terry Paul Bigcharles**

**v. (28736)**

**Alan John Lomax and Johan François Kritzinger (B.C.)**

**NATURE OF THE CASE**

Torts - Negligence - Onus of proof - Whether the onus of proof in a negligence action should shift to the alleged tortfeasor if the alleged tortious act or omission leaves the plaintiff in a position of not being able to establish causation affirmatively - Whether a loss-of-a-chance doctrine exists in the Canadian tort law.

**PROCEDURAL HISTORY**

July 29, 1999  
Supreme Court of British Columbia  
(Fraser J.)

Applicant's action for damages for negligence dismissed

May 16, 2001  
Court of Appeal of British Columbia  
(Southin [dissenting], Hollinrake and Ryan JJ.A.)

Appeal dismissed

August 14, 2001  
Supreme Court of Canada

Application for leave to appeal filed

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**Andrew Freve**

**v. (28644)**

**Attorney General of Canada (Agriculture Canada) (F.C.)**

**NATURE OF THE CASE**

Administrative law - Procedural law - Judicial review - Motion to extend time to present grievance Whether the Commissioner and the Federal Court of Appeal failed to consider that the Applicant had an acceptable delay for the filing of the grievance - Whether both tribunals failed to consider the employer's obligation to offer the Applicant reasonable employment - Whether both tribunals should have considered the provisions of the *Law on the execution of the budget of 1995*.

**PROCEDURAL HISTORY**

October 6, 1999 Labour Relations Commission for workers in the Public Sector	Motion for extension of time to present grievance dismissed
April 2, 2001 Federal Court of Appeal (Desjardins, Décary and Noël JJ.A.)	Applicant's application for judicial review of Labour Relations Commission Board decision dismissed
June 8, 2001 Supreme Court of Canada	Application for leave to appeal and motion to extend time filed

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

**William Steen**

**v. (28766)**

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

**NATURE OF THE CASE**

Criminal law - Statutes - Evidence - Interpretation - SS. 83.1(1) and 146(1) of the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318 - Whether a speed monitoring device complies with the definition of "speed monitoring device" in s. 83.1(1) of the *Motor Vehicle Act* if there is a "lag time" between its measure of the speed of a passing car and the photograph it takes of that car - Whether a presumption of accuracy applies to evidence produced by a speed monitoring device that does not comply with that definition - Whether the Applicant's conviction can be sustained if the presumption of accuracy does not apply to a non-compliant device - Whether the Court of Appeal erred in dismissing the Applicant's appeal from his summary conviction.

**PROCEDURAL HISTORY**

September 8, 1999 Provincial Court of British Columbia (Lim J.P.)	Applicant found guilty of speeding in a municipality contrary to s. 146(1) of the <i>Motor Vehicle Act</i> , R.S.B.C. 1996, c. 318
June 9, 2000 Supreme Court of British Columbia (Satanove J.)	Appeal dismissed
October 31, 2000 Court of Appeal for British Columbia (Rowles J.A.)	Application for leave to appeal granted
May 31, 2001 Court of Appeal for British Columbia (Hollinrake, Huddart and Braidwood JJ.A.)	Appeal dismissed
August 30, 2001	Supreme Court of Canada

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Application for leave to appeal filed

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**R.T.**

**c. (28795)**

**P.L. (Qué.)**

**NATURE DE LA CAUSE**

Droit de la famille — Divorce — Demande de reconnaissance de l'existence d'une société tacite entre l'intimée et le demandeur durant le mariage et d'en ordonner la dissolution et le partage — Demandes des parties relatives à la résidence familiale — Demande d'une quittance d'une dette de l'intimée envers le demandeur — Demande d'une somme globale — Demande d'une prestation compensatoire — Demande reconventionnelle du demandeur — Demande de remise de biens spécifiques — Une cour d'appel peut-elle réformer un jugement de première instance en s'appuyant sur un document non introduit en preuve en première instance? — Quelle approche doit être adoptée par une cour d'appel appelée à réviser une ordonnance en matière de prestation compensatoire basée sur une contribution strictement monétaire d'un des époux? — Quelle approche doit être adoptée par une cour d'appel appelé à réviser le *quantum* d'une ordonnance en matière de prestation compensatoire en présence de contributions strictement monétaires d'un époux et en l'absence de preuve quant à la proportion dans laquelle cette contribution a permis l'enrichissement du patrimoine de l'autre époux?

**HISTORIQUE PROCÉDURAL**

Le 29 juin 2000  
Cour supérieure du Québec  
(Lanctôt, j.c.s.)

Jugement de divorce prononcé ; ordonnances sur  
mesures accessoires au divorce établies

Le 4 juillet 2001  
Cour d'appel du Québec  
(Beauregard, Rousseau-Houle et Biron [*ad hoc*], jj.c.a.)

Appel accueilli ; appel incident rejeté

Le 21 septembre 2001  
Cour suprême du Canada

Demande d'autorisation d'appel déposée

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**Salvatore Gramaglia**

**v. (28652)**

**Alberta Family and Social Services (Alta.)**

**NATURE OF THE CASE**

Administrative Law - Judicial Review - Deductions made from benefits providing financial assistance and applied to recover overpayment - Judicial review challenging entitlement to make deductions dismissed - Whether Court of Appeal prejudiced or erred in law in dismissing appeal.



**PROCEDURAL HISTORY**

August 8, 2000 Court of Queen's Bench of Alberta (Mason J.)	Application for judicial review dismissed
April 19, 2001 Court of Appeal of Alberta (Conrad, Wittmann and Brooker JJ.A.)	Appeal dismissed: overpayments to Applicant by Alberta Family and Social Services declared to be \$3,179.00
June 13, 2001 Supreme Court of Canada	Application for leave to appeal filed

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**R.R.**

**c. (28693)**

**A.B. (Qué.)**

**NATURE DE LA CAUSE**

Droit de la famille — Divorce — Patrimoine familial — Demande d'annulation d'un acte de renonciation au partage du patrimoine familial — Détermination de la valeur du patrimoine familial — Partage du patrimoine familial — Demande d'une somme globale — Demande d'une prestation compensatoire — Demande d'une provision pour frais — La Cour d'appel a-t-elle erré en répondant à une question secondaire en négligeant de répondre aux questions principales?

**HISTORIQUE PROCÉDURAL**

Le 9 mai 2000 Cour supérieure du Québec (Courville, j.c.s.)	Requête en divorce de l'intimée accueillie ; convention de non assujettissement au patrimoine familial annulée ; partage égal du patrimoine familial ordonné ; autres demandes des parties rejetées
Le 8 juin 2001 Cour d'appel du Québec (Mailhot, Nuss et Rochon [ <i>ad hoc</i> ], jj.c.a.)	Appel rejeté
Le 5 septembre 2001 Cour Suprême du Canada	Demande d'autorisation d'appel déposée

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**Nelson Duncan McLennan and Sylvia Jean Longley as Executors and Trustees under the Last Will and Testament of John F. McLennan, Deceased**

v. (28637)

**The TDL Group Ltd., Block B Limited and The Business Depot Ltd. (Ont.)**

**NATURE OF THE CASE**

Property law - Real property - Lease - Mortgage - Assignment - Whether the rights of a mortgagee and the obligations of a mortgagor are altered as a result of an assignment of mortgage? - Whether a mortgage debt has been repaid as a consequence of consideration passing to an assignor of the mortgage, such that the mortgagor is released from contractual obligations under the mortgage? Whether the decision of the courts below ignore well-established principles of common law and statute enactment relating to assignments and attack the important principle of commercial certainty?

**PROCEDURAL HISTORY**

October 3, 2000  
Superior Court of Justice - Ontario  
(Nordheimer J.)

The accrued rents of Business Depot are payable to Block B. TDL Group's motion is granted and Business Depot ordered to pay garnishment amount directly to them

April 10, 2001  
Court of Appeal for Ontario  
(Abella, Laskin and Borins JJ.A.)

Appeal dismissed

June 7, 2001  
Supreme Court of Canada

Application for leave to appeal filed

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

**Reubens Henderson**

v. (28648)

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

**NATURE OF THE CASE**

*Canadian Charter of Rights and Freedoms* - Criminal law - Criminal procedure - Jury trials - Application for trial by judge alone - Application for a change of venue - Jury instructions - Reasonable doubt - Sections 7, 11(d) and 24(1) of the *Canadian Charter of Rights and Freedoms* - Section 473 *Criminal Code*, R.S.C. 1985, c. C-46 - Whether the Court of Appeal erred in holding that the Applicant had failed to demonstrate that he could not receive a fair trial with an impartial jury? - Whether the charge to the jury erred in guiding the jury to take a two-step approach to their assessment of the evidence and the application of the burden of proof? - Whether charge to the jury contained an erroneous definition of reasonable doubt? - Whether the charge to the jury failed to provide an adequate limiting instruction with respect to the use of evidence of other discreditable conduct? - Whether the jury was effectively denied a read back of evidence by the manner in which the trial judge answered a request for a read back?

**PROCEDURAL HISTORY**

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February 2, 1996 Ontario Court of Justice (General Division) (Chilcott J.)	Applicant's application for change of venue or trial before judge alone on charge of second degree murder dismissed
February 14, 1996 Ontario Court of Justice (General Division) (Chilcott J.)	Applicant convicted by judge and jury of second degree murder
April 12, 2001 Court of Appeal for Ontario (Charron, Sharpe and Simmons JJ.A.)	Appeal against conviction dismissed
July 9, 2001 Supreme Court of Canada	Application for leave to appeal filed

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**Government of the Northwest Territories**

**v. (28737)**

**Public Service Alliance of Canada and Canadian Human Rights Commission (F.C.)**

**NATURE OF THE CASE**

Administrative law - Administrative Tribunals - Institutional independence - Reasonable apprehension of bias - Circumstances which deprive administrative tribunal of appearance of institutional independence - Whether binding guidelines issued under s. 27(2) of the *Canadian Human Rights Act* compromise the independence and impartiality of the tribunal hearing the human rights complaint - Whether power to issue guidelines is compatible with the standards of institutional independence and freedom from institutional bias required by the *Constitution Act 1867*, the *Bill of Rights* and common law - Whether Tribunal forms part the federal executive

**PROCEDURAL HISTORY**

December 4, 1998 Canadian Human Rights Tribunal (Groarke, Théberge and Hadjis, Members)	Applicant's motion for ruling that Respondent Canadian Human Rights Commission is incapable of providing a fair hearing dismissed
December 15, 1999 Federal Court of Canada, Trial Division (Dubé J.)	Applicant's application for judicial review dismissed; Respondent CHRC's application for order denying Applicant's standing in judicial review proceedings allowed
May 24, 2001 Federal Court of Appeal (Stone, Létourneau and Rothstein JJ.A.)	Appeal allowed; order set aside; application for judicial review dismissed
August 20, 2001 Supreme Court of Canada	Application for leave to appeal filed

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**Bell Canada**

v. (28743)

**Canadian Telephone Employees Association, Communications, Energy and Paperworkers Union of Canada,  
Femmes Action and Canadian Human Rights Commission (F.C.)**

**NATURE OF THE CASE**

Administrative law - Judicial review - Administrative tribunals - Institutional independence - Reasonable apprehension of bias - Circumstances which deprive administrative tribunal of appearance of institutional independence - Whether Canadian Human Rights Tribunal has the requisite institutional independence and freedom from institutional bias despite being bound to interpret the *Canadian Human Rights Act* in accordance with guidelines issued by the Canadian Human Rights Commission - Whether Tribunal members have security of tenure necessary to ensure an independent and impartial tribunal - Whether Tribunal forms part of federal executive

**PROCEDURAL HISTORY**

April 26, 1999  
Canadian Human Rights Tribunal  
(Sinclair, Chair)

Decision by Tribunal that it is institutionally impartial and independent; Respondents' complaints against Applicant should proceed

November 2, 2000  
Federal Court of Canada, Trial Division  
(Tremblay-Lamer J.)

Applicant's application for judicial review granted:  
Tribunal decision quashed

May 24, 2001  
Federal Court of Appeal  
(Stone, Létourneau and Rothstein JJ.A.)

Appeal allowed: application for judicial review dismissed

August 20, 2001  
Supreme Court of Canada

Application for leave to appeal filed

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**John Susin**

v. (28482)

**Bono General Construction Limited, Carmelo Bono,  
Anne Bono and Salvatore (Sam) Bono (Ont.)**

**NATURE OF THE CASE**

Procedural law - Rules of Civil Procedure - Security for costs - Appellate court confirming lower court decisions granting the dismissal of the Applicant's actions and dismissing a counterclaim and striking a statement of defence of the Applicant in another action for failure to pay security for costs - Alleged impecuniosity - Whether stays issued pursuant to a judge's order, and under Rules 11.01 and 63.01(1) of the *Rules of Civil Procedure*, are effective to prevent the commencement and continuation of collateral proceedings against plaintiff litigants - Whether the motions judge had lacked jurisdiction to enforce the payment of costs in these circumstances.

**PROCEDURAL HISTORY**

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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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March 2, 2000  
Superior Court of Justice  
(Crane J.)

Motion to dismiss Applicant's actions and counterclaim against Respondents and striking Applicant's Statement of Defence, granted

March 16, 2000  
Superior Court of Justice  
(Reilly J.)

Applicant's motion to set aside Order of Crane J. and for extension of time to pay costs, dismissed

October 31, 2000  
Court of Appeal for Ontario  
(Catzman, Abella and Sharpe JJ.A.)

Applicant's appeal dismissed

January 25, 2001  
Court of Appeal for Ontario  
(Catzman, Abella and Sharpe JJ.A.)

Applicant's motion for an order setting aside or varying the Court of Appeal decision dismissed; Applicant's motion for an order allowing the filing of fresh evidence dismissed

March 27, 2001  
Supreme Court of Canada

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

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NOVEMBER 8, 2001 / LE 8 NOVEMBRE 2001

**28713**            **Gaston Fournier - c. - Procureur général du Québec et André Lessard** (Qué.) (Criminelle)

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

La demande d'autorisation d'appel est rejetée.

The application for leave to appeal is dismissed.

**NATURE DE LA CAUSE**

Droit criminel - Révision judiciaire - Arrêt des procédures - Article 579 du *Code criminel*, L.R.C. 1985, ch. C-46 - La Cour d'appel du Québec a-t-elle erré en droit en limitant le pouvoir d'intervention de la Cour supérieure au cas de «*flagrant impropriety*» et ce dans le cadre d'une requête en révision judiciaire d'une ordonnance en vertu de l'article 579 du *C.cr.*? - La Cour d'appel du Québec a-t-elle erré en droit en concluant que l'Honorable juge de première instance avait erré en droit en appliquant à une requête en *certiorari* élargi, la norme de «*décision manifestement déraisonnable*»?

**HISTORIQUE PROCÉDURAL**

Le 5 juillet, 1999  
Cour du Québec  
(Bonin j.c.q.)

Arrêt des procédures impliquant le mis-en-cause, ordonné

Le 23 septembre 1999  
Cour supérieure du Québec  
(St-Julien j.c.s.)

Requête du demandeur en révision judiciaire de l'ordonnance accueillie; ordonnance d'arrêt des procédures cassée; comparution du demandeur ordonnée

Le 7 mai 2001  
Cour d'appel du Québec  
(Dussault, Robert et Pidgeon jj.c.a.)

Appel accueilli; requête en révision judiciaire rejetée

Le 2 août 2001  
Cour suprême du Canada

Demande d'autorisation d'appel déposée

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**28486**            **Monique Parent - c. - Sous-Ministre du Revenu du Québec** (Qué.) (Civile)

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

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

The application for an extension of time is granted. The application for leave to appeal is dismissed.

**NATURE DE LA CAUSE**

Droit fiscal — Impôt sur le revenu — Revenus de placement — Déduction relative aux dépenses effectuées pour gagner des revenus de placement — *Loi sur les impôts*, L.R.Q., ch. I-3, art. 462.1 — La Cour d'appel a-t-elle erré dans son interprétation de l'art. 462.16 en concluant que « la perte étant exclue puisque la créance est devenue irrécouvrable au moment où elle vivait séparée de son époux »? — *Loi sur les impôts*, art. 462.16.

**HISTORIQUE PROCÉDURAL**

Le 25 août 1997  
Cour du Québec  
(Durand, j.c.q.)

Requête de la demanderesse pour l'application de l'art. 462.1 de la *Loi sur les impôts* rejetée ; avis de nouvelle cotisation pour les années d'imposition 1987, 1988 et 1989 maintenus ; requête de la demanderesse pour l'annulation des intérêts rejetée

Le 29 novembre 2000  
Cour d'appel du Québec  
(Gendreau, Deschamps et Otis, jj.c.a.)

Appel rejeté

Le 26 mars 2001  
Cour suprême du Canada

Demandes d'autorisation d'appel et en prorogation de délai déposées

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**28483**            **La Caisse Populaire Desjardins de Val-Brillant - c. - Métivier & Associés Inc.** (Qué.) (Civile)

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

La demande d'autorisation d'appel est accordée.

The application for leave to appeal is granted.

**NATURE DE LA CAUSE**

Droit commercial — Droit fiscal — Faillite — Créance garantie ou ordinaire — Décision du syndic rejetant la garantie — *Loi sur la faillite et l'insolvabilité*, L.R.C. 1985, ch. B-3, par. 135(1) et (3) — Code civil — Hypothèque mobilière avec dépossession — Certificats de dépôt à terme donné en garantie d'un prêt — Fonds détenus dans un régime enregistré d'épargne-retraite (REER) — *Code civil du Québec*, L.Q. 1991, c. 64, art. 2660, 2662, 2665, 2666, 2683, 2702, 2703 et 2709 — Régime enregistré d'épargne retraite — Prêt garanti par les fonds détenus dans un REER — Droit fiscal — Interdiction de donner en garantie des biens détenus dans un REER — *Loi de l'impôt sur le revenu*, L.R.C. 1985, ch. 1 (5<sup>e</sup> suppl.), par. 146(1), (12) et (13) — Un contribuable peut-il donner en garantie des sommes détenues dans un REER? — La Cour d'appel a-t-elle erré en concluant que la *Loi de l'impôt sur le revenu* interdisait toute hypothèque sur les sommes d'argent ou créances détenues dans un REER? — Une loi fiscale fédérale peut-elle affecter la validité d'une garantie constituée en vertu des dispositions du *Code civil du Québec*? — La Cour d'appel a-t-elle erré en concluant qu'on ne pouvait constituer une hypothèque mobilière avec dépossession dans le cas d'une créance non négociable?

**HISTORIQUE PROCÉDURAL**

Le 5 mars 1999  
Cour supérieure du Québec  
(Gendreau, j.c.s.)

Requête de la demanderesse accueillie ; décision de l'intimé rendue le 2 septembre 1998, infirmée ; demanderesse déclarée créancière garantie

Le 22 janvier 2001  
Cour d'appel du Québec  
(Michaud, j.c.q., Pidgeon, et Biron [*ad hoc*], jj.c.a.)

Appel accueilli ; requête de la demanderesse rejetée ; décision de l'intimé confirmée

Le 23 mars 2001  
Cour suprême du Canada

Demande d'autorisation d'appel déposée

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**28726**            **Darrell Wayne Trociuk - v. - Attorney General of British Columbia and the Director of Vital Statistics and Reni Ernst** (B.C.) (Civil)

CORAM:            The Chief Justice, Iacobucci and Bastarache JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

**NATURE OF THE CASE**

*Charter of Rights and Freedoms* - Equality rights - Vital Statistics - Birth registration - Family law - Children born outside marriage - Mother not acknowledging father on birth registration forms - Children taking mother's surname - Father's application to be acknowledged on birth registrations and to change children's surnames denied by Director of Vital Statistics - Whether statutory discretion of a mother not to acknowledge biological father on birth registration forms and not to include surname of father in child's surname infringes *Charter* equality rights on the basis of sex - *Vital Statistics Act*, R.S.B.C. 1996, c. 479, ss. 3(1), 3(6), 4(1), 29(3), 29(4).

**PROCEDURAL HISTORY**

February 25, 1999  
Supreme Court of British Columbia  
(Collver J.)

Order to strike names of infant petitioners from style of cause

May 17, 1999  
Supreme Court of British Columbia  
(Collver J.)

Applicant's Petition for *mandamus* and claim for *Charter* relief dismissed

October 14, 1999  
Court of Appeal for British Columbia  
(Lambert, J.A.)

Order adding the Respondent, Reni Ernst, as a party; Order for *amicus curiae* to represent interests of the children adjourned for consideration by panel hearing appeal

May 1, 2000  
Court of Appeal for British Columbia  
(Southin, Prowse and Newbury JJ.A.)

Order for *amicus curiae* to represent interests of the children

May 23, 2001  
Court of Appeal for British Columbia

Applicant's appeal dismissed

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(Southin, Prowse [*dissenting*] and Newbury JJ.A.)

August 20, 2001  
Supreme Court of Canada

Application for leave to appeal filed

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**28464**            **Jack Marks, Chief of Police of the Municipality of Metropolitan Toronto Police Force, The Estate of James Hughes (now deceased) and Mark Hegener - v. - Michael Oniel** (Ont.) (Civil)

CORAM:            L'Heureux-Dubé, Arbour 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 - Police - Malicious prosecution - Negligent investigation - Constitutional tort - Damages - Court of Appeal found trial judge erred in failing to give jury clear direction that it could infer malice if police persisted with prosecution with reckless indifference to guilt or innocence of accused where no reasonable and probable grounds to continue - Court of Appeal exercised discretion pursuant to s. 134(1)(c) of the *Courts of Justice Act* by entering judgment rather than ordering a new trial - Whether the Court of Appeal erred in determining that an inference of malice could be drawn from a lack of reasonable and probable grounds - Whether the Court of Appeal erred in exercising its discretion to set aside the jury verdict and entering judgment for the Respondent

### **PROCEDURAL HISTORY**

June 12, 1998 Ontario Court of Justice (Somers J.)	Respondent's claim for malicious prosecution dismissed
September 22, 1998 Superior Court of Justice (Somers J.)	Respondent's claim for violation of s.7, 11(d) and 6(2)(d) dismissed; action in its entirety dismissed
January 18, 2001 Court of Appeal for Ontario (Borins, MacPherson [ <i>dissenting</i> ] and Sharpe JJ.A.)	Appeal allowed; judgment set aside; judgment entered in favour of the Respondent
February 19, 2001 Court of Appeal for Ontario (Borins, MacPherson [ <i>dissenting</i> ] and Sharpe JJ.A.)	Supplementary reasons for judgment re. costs: costs of the first and second trials and appeal to the Respondent on a party and party basis
March 16, 2001 Supreme Court of Canada	Application for leave to appeal filed
April 25, 2001 Supreme Court of Canada (Lebel J.)	Motion to expedite application for leave to appeal dismissed

**28537**            **Floyd Creatchman - c. - Consolidated Life Insurance Company Ltd.** (Qué.) (Civile)

CORAM:            Les juges L'Heureux-Dubé, Arbour 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 - Assurance - Assurance collective - Exclusion - La Cour d'appel du Québec a-t-elle erré en déclarant opposable à l'adhérent à une police d'assurance collective, une exclusion qui n'a jamais été portée à sa connaissance, exclusion contenue dans un document externe à la demande d'adhésion de l'adhérent?

**HISTORIQUE PROCÉDURAL**

Le 3 avril 1997  
Cour supérieure du Québec  
(Côté j.c.s.)

Action du demandeur en réclamation du bénéfice d'une police d'assurance rejetée

Le 22 février 2001  
Cour d'appel du Québec  
(Mailhot, Deschamps et Pidgeon jj.c.a.)

Appel rejeté

Le 20 avril 2001  
Cour suprême du Canada

Demande d'autorisation d'appel déposée

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**28562**            **Association des professeurs de Lignery et Gaétan Potvin - c. - Commission scolaire des Grandes Seigneuries (autrefois: Commission scolaire du Goéland) - et - Me François Hamelin, arbitre de grief, Me Louise Viau, assesseur patronal et Me Francine Desrochers, syndical** (Qué.) (Civile)

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

La requête en radiation d'affidavit est accordée et la demande d'autorisation d'appel est rejetée avec dépens en faveur de l'intimée.

The motion to strike out the affidavit is granted and the application for leave to appeal is dismissed with costs to the respondent.

**NATURE DE LA CAUSE**

Droit du travail - Droit administratif - Convention collective - Contrôle judiciaire - Un tribunal d'arbitrage peut-il, en interprétant une convention collective, ignorer ou porter atteinte à la présomption d'innocence actualisée par un jugement d'acquiescement? - Un tribunal d'arbitrage peut-il, en interprétant une convention collective, ignorer ou porter atteinte au droit de toute personne à la sauvegarde de sa dignité, de son honneur et de sa réputation et/ou conférer un effet discriminatoire à certaines dispositions d'une convention collective?

**HISTORIQUE PROCÉDURAL**

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Le 11 février 1998  
Cour supérieure du Québec  
(Chabot j.c.s.)

Requête des demandeurs en révision judiciaire d'une  
décision d'un tribunal d'arbitrage accueillie: sentence  
arbitrale annulée

Le 20 février 2001  
Cour d'appel du Québec  
(Mailhot, Deschamps et Pidgeon jj.c.a.)

Pourvoi accueilli; requête en révision judiciaire rejetée

Le 20 avril 2001  
Cour suprême du Canada

Demande d'autorisation d'appel déposée

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**28663**            **Irvine George Forrest - v. - Her Majesty the Queen** (Ont.) (Criminal)

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

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

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

**NATURE OF THE CASE**

Criminal Law - Trial - Jury Charge - Whether common law rule which permits trial judges to express their opinion on the facts of a case in a jury trial should be retained.

**PROCEDURAL HISTORY**

February 22, 1995  
Ontario Court (General Division)  
(Jennings, J.)

Applicant convicted by jury of attempted murder, use of  
firearm, possession of a restricted weapon and carrying a  
concealed weapon

March 7, 1995  
Ontario Court (General Division)  
(Jennings, J.)

Applicant sentenced to 18 years imprisonment

March 8, 2000  
Court of Appeal for Ontario  
(Charron, Goudge and MacPherson JJ.A.)

Appeal from conviction dismissed

June 18, 2001  
Supreme Court of Canada

Applications for time extension to apply for leave to appeal  
and for leave to appeal filed

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**28365**      **The Chippewas of Sarnia Band - v. - Attorney General of Canada, Her Majesty the Queen in Right of Ontario, Canadian National Railway Company, Dow Chemical Canada Inc. and Union Gas Ltd., The Corporation of the City of Sarnia, Amoco Canada Resources Ltd. and Amoco Canada Petroleum Company Ltd., Ontario Hydro Networks Company Inc., Union Gas Limited, Interprovincial Pipe Line Inc., The Bank of Montreal, The Toronto-Dominion Bank and Canada Trustco Mortgage Company individually and as class representatives** (Ont.) (Civil)

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

The application for leave to appeal is dismissed with costs on a party and party basis to the respondents Her Majesty the Queen in Right of Ontario, Canadian National Railway Company, Dow Chemical Canada Inc. and Union Gas Ltd., The Corporation of the City of Sarnia, Amoco Canada Resources Ltd. and Amoco Canada Petroleum Company Ltd., Ontario Hydro Networks Company Inc., Union Gas Limited, Interprovincial Pipe Line Inc., The Bank of Montreal, The Toronto-Dominion Bank and Canada Trustco Mortgage Company individually and as class representatives.

La demande d'autorisation d'appel est rejetée avec dépens sur la base partie-partie en faveur des intimées Sa Majesté la Reine du Chef de l'Ontario, Compagnie des chemins de fer nationaux du Canada, Dow Chemical Canada Inc. et Union Gas Ltd., The Corporation of the City of Sarnia, Amoco Canada Resources Ltd. et Amoco Canada Petroleum Company Ltd., Ontario Hydro Networks Company Inc., Union Gas Limited, Interprovincial Pipe Line Inc., La Banque de Montréal, La Banque Toronto-Dominion et Canada Trustco Mortgage Company individuellement et en tant que représentante du groupe.

#### **NATURE OF THE CASE**

Native law - Reserves - Surrender - Part of reserve purportedly sold in 1839 and Crown patent issued in 1853 - Procedure for surrender not followed - Whether Applicant unlawfully dispossessed of its original treaty-protected reserve by unilateral prerogative Crown act - Whether Applicant has constitutional aboriginal and treaty rights in the lands - Whether constitutional remedies available where aboriginal and treaty rights in lands are "existing" within the meaning of s. 35(1) of the *Constitution Act, 1982* and yet the lands are in the factual possession of innocent third parties - Whether judge-made equitable doctrines are capable of operating to extinguish unsurrendered, treaty-protected aboriginal title - Legal status of the surrender provisions in the *Royal Proclamation of 1763* after the enactment of the *Quebec Act of 1774*.

#### **PROCEDURAL HISTORY**

April 30, 1999  
Superior Court of Justice  
(Campbell J.)      Order: Respondents' motion to dismiss the Applicant's claim dismissed

December 21, 2000  
Court of Appeal for Ontario  
(Osborne A.C.J.O., Finlayson, Doherty, Charron, and Sharpe JJ.A.)      Appeals and cross-appeals allowed

February 21, 2001  
Supreme Court of Canada  
(Major J.)      Motion to extend time to file the leave application granted

March 30, 2001      Supreme Court of Canada

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Application for leave to appeal filed

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**28577**            **Gilmore Wright - v. - Minister of Citizenship and Immigration** (FC) (Civil)

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

The application for leave to appeal is dismissed with costs on the ground that the Court has no jurisdiction to entertain the application.

La demande d'autorisation d'appel est rejetée avec dépens pour le motif que la Cour n'a pas compétence pour instruire la demande.

**NATURE OF THE CASE**

Procedural law - Appeals - Right of appeal - Interlocutory order - Whether jurisprudence denying a right of appeal to the disposition of a motion for a stay of a deportation order to the Court of Appeal from the Trial Division is outdated in that it is not in keeping with recent jurisprudence of the Supreme Court of Canada - Whether jurisprudence inconsistent with the statutory scheme of the *Federal Court Act* and the *Immigration Act*.

**PROCEDURAL HISTORY**

May 10, 2001  
Federal Court of Canada (Trial Division)  
(MacKay J.)

Applicant's motion for a stay of execution of the deportation order dismissed

May 14, 2001  
Supreme Court of Canada  
(Major J.)

Motion for a stay of proceedings dismissed

July 10, 2001  
Supreme Court of Canada

Application for leave to appeal filed

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**28745**            **Insurance Corporation of British Columbia - v. - Unifund Assurance Company of Canada** (Ont.)  
(Civil)

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

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

**NATURE OF THE CASE**

Commercial law - Insurance - Conflict of laws - Accident occurring in British Columbia and plaintiffs residing in Ontario - Plaintiffs paid no-fault insurance by own insurer - Action for damages in British Columbia finding liability against parties insured by Applicant - Insurance companies bringing actions in both provinces - Plaintiffs' province requiring arbitration procedure - Application by out-of-province insurer for stay of arbitration proceeding granted - Whether the Ontario regulatory scheme applies to out-of-province insurers in respect of an out-of-province accident -- Whether an arbitrator appointed under that scheme therefore has jurisdiction to proceed -- Whether the appropriate forum for resolution of a dispute can be determined without taking into account constitutional imperatives -- What principles should be applied to

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resolve the prospect of potentially inconsistent decisions in parallel proceedings -- Whether the Ontario legislative scheme ousts the inherent jurisdiction of the provincial superior courts to grant a stay of arbitration proceedings.

**PROCEDURAL HISTORY**

August 29, 2000 Superior Court of Justice (Campbell J.)	Applicant's motion for a stay of Respondent's application seeking appointment of an arbitrator, granted
May 22, 2001 Court of Appeal for Ontario (Carthy, Feldman and Simmons JJ.A.)	Appeal allowed: matter referred back to application judge in order to appoint an arbitrator under s. 10 of the <i>Arbitration Act</i>
August 20, 2001 Supreme Court of Canada	Application for leave to appeal filed

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**28602**      **Wurttembergische Und Badische Versicherungs-Aktiengesellschaft and Agrippina Versicherung - v. - Contact Air Pro Inc. and Lombard of Canada Ltd.** (Que.) (Civil)

CORAM:      L'Heureux-Dubé, Arbour 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**

Procedural law - Commercial law - Contracts - Whether the Court of Appeal erred in granting Respondents' Motion to Dismiss without hearing the Applicants on the application of Article 2165 of the *Civil Code of Québec*.

**PROCEDURAL HISTORY**

November 3, 2000 Superior Court of Quebec (Courville J.)	Applicants' action against the Respondents, dismissed
March 19, 2001 Court of Appeal of Quebec (Fish, Deschamps and Rochon JJ.A.)	Respondents' motion to dismiss the appeal allowed; appeal dismissed
May 18, 2001 Supreme Court of Canada	Application for leave to appeal filed

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**28660**      **Les Éditions Chouette (1987) Inc. et Christine L'Heureux - c. - Hélène Desputeaux - et - Me Régis Rémillard** (Qué.) (Civile)

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

La demande d'autorisation d'appel est accordée.

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The application for leave to appeal is granted.

**NATURE DE LA CAUSE**

Droit des biens - Droit d'auteur - Arbitrage - Interprétation par un arbitre de divers contrats - Le jugement de la Cour d'appel met-il en doute la possibilité de recourir à l'arbitrage dans le domaine de la propriété intellectuelle? - Le jugement de la Cour d'appel affecte-t-il d'une manière significative la stabilité des sentences arbitrales commerciales en permettant une révision du fond des sentences par les tribunaux de droit commun? - La Cour d'appel a-t-elle commis une erreur en statuant que l'art. 37 de la *Loi sur le droit d'auteur* a pour effet d'exclure du domaine de l'arbitrage tout litige lié à une question de droit d'auteur?

**HISTORIQUE PROCÉDURAL**

Le 28 février 1997  
Cour supérieure du Québec  
(le juge Bisailon)

Requête en exception déclinatoire accueillie; dossier renvoyé devant une instance d'arbitrage

Le 22 juillet 1997  
(le notaire Rémillard)

Sentence arbitrale rendue

Le 13 mars 1998  
Cour supérieure du Québec  
(le juge Guthrie)

Requête en annulation de la sentence arbitrale rejetée

Le 18 avril 2001  
Cour d'appel du Québec  
(les juges Gendreau, Rousseau-Houle et Pelletier)

Appel accueilli

Le 18 juin 2001  
Cour suprême du Canada

Demande d'autorisation d'appel déposé

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**28576**      **Val Bruna Holdings Ltd., May Developments Ltd., Standard Mortgage Investments Corporation and Nardaq Investments Inc. - v. - Her Majesty the Queen** (FC) (Civil)

CORAM:      L'Heureux-Dubé, Arbour 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**

Procedural law - Judgments and orders - Production - Discovery - Whether fundamental right to discover the party opposite denied - Whether the test for production is not relevance but rather whether a party intends to use material at trial.

**PROCEDURAL HISTORY**

September 28, 1999 Tax Court of Canada (Mogan J.T.C.C.)	Applicants' motion for discovery and examination of documents denied
February 27, 2001 Federal Court of Appeal (Décary, Rothstein and Malone JJ.A.)	Appeal dismissed
May 4, 2001 Supreme Court of Canada	Application for leave to appeal filed
June 20, 2001 Supreme Court of Canada (Binnie J.)	Motion to extend time granted

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**28578**      **Stegor Consultants (1988) Limited, Donald J. Stelliga, Gary R. Hedges, Hillar Kassfeldt and Peter Fordham - v. - Jeff Sproat and Peat Marwick Thorne** (Ont.) (Civil)

CORAM:      Gonthier, Major and Binnie JJ.

The application for an 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**

Commercial Law - Accounting - Fiduciary duty - Whether an accountant retained to advise both the vendor and purchaser of a business, owes a fiduciary duty to, and must always act in the best interests of both parties - Whether an accountant requires the informed consent of both parties adverse in interest before being engaged by such parties - Whether there is a clear obligation on an accountant to disclose known material facts to one client which may be contrary to the interest of the other client once a retainer is entered into - Whether the Ontario Court of Appeal properly reversed the trial judge's findings which were supported by the evidence

**PROCEDURAL HISTORY**

January 17, 2000 Superior Court of Justice (Sills J.)	Applicants' action for damages for breach of fiduciary relationship by the Respondents granted
February 9, 2001 Court of Appeal for Ontario (Abella, Borins and Sharpe JJ.A.)	Respondents' appeal allowed: trial judgment set aside, action dismissed

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May 1, 2001  
Supreme Court of Canada

Application for leave to appeal and extension of time filed

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**28489**            **Charles Ferenczi - v. - State Farm Mutual Automobile Insurance Company and The Financial Services Commission of Ontario** (Ont.) (Civil)

CORAM:            Gonthier, Major and Binnie JJ.

The application for leave to appeal is dismissed with costs to the Respondent, State Farm Mutual Automobile Insurance Company.

La demande d'autorisation d'appel est rejetée avec dépens à l'intimé, State Farm Mutual Automobile Insurance Company.

**NATURE OF THE CASE**

Commercial law - Insurance - Whether the Applicant was entitled to weekly income benefits under s. 12 of the *Statutory Accident Benefits Schedule - Accidents On or Between June 22, 1990 and December 31, 1993*.

**PROCEDURAL HISTORY**

November 10, 2000  
Superior Court of Justice  
(Borkovich, Lang and Blair JJ.)

Applicant's motion to set aside the Appeal Order and decision of the Financial Services Commission of Ontario dismissed

February 6, 2001  
Court of Appeal of Ontario  
(Catzman, Doherty and Simmons JJ.A.)

Motion for leave to appeal dismissed

March 29, 2001  
Supreme Court of Canada

Application for leave to appeal filed

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**28723**            **Pauline Vrhounik - v. - Dravidian Management Limited** (Ont.) (Civil)

CORAM:            Gonthier, Major and Binnie JJ.

The application for leave to appeal is dismissed with costs.

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

**NATURE OF THE CASE**

Commercial law - Contracts - Property law - Real property - Agreement of purchase and sale - Breach of term of agreement prior to closing - When purchaser claims an abatement in purchase price prior to closing, whether purchaser is able to refuse to specifically perform the transaction until the issue of abatement is finally determined, or is required to close the transaction then sue for damages for breach of warranty - Whether issuance of legal proceedings prior to closing of transaction automatically extends the date for closing - Whether purchaser is required to tender

**PROCEDURAL HISTORY**

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JUDGMENTS ON APPLICATIONS  
FOR LEAVE

JUGEMENTS RENDUS SUR LES DEMANDES  
D'AUTORISATION

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January 8, 2001  
Superior Court of Justice  
(Molloy J.)

Respondent's application for specific performance of an agreement of purchase and sale and abatement of purchase price granted

June 20, 2001  
Court of Appeal for Ontario  
(Abella, Goudge and Simmons JJ.A.)

Appeal dismissed

August 13, 2001  
Supreme Court of Canada

Application for leave to appeal filed

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29.10.2001

Before / Devant: ARBOUR J.

**Motions for leave to intervene****Requêtes en autorisation d'intervention**

BY/PAR: Canadian Labour Congress  
Ontario Network of Injured Workers'  
Group

IN/DANS: Donald Martin

v. (28372)

Workers' Compensation Board of  
Nova Scotia, et al. (N.S.)

and between

Ruth A. Laseur

v. (28370)

Workers' Compensation Board of  
Nova Scotia, et al. (N.S.)

**GRANTED / ACCORDÉES**

**UPON APPLICATION** by the Canadian Labour Congress and the Ontario Network of Injured Workers' Group for leave to intervene in the above appeal;

**AND HAVING READ** the material filed ;

**IT IS HEREBY ORDERED THAT:**

1. The motion for leave to intervene of the applicant Canadian Labour Congress is granted and the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length.
2. The motion for leave to intervene of the applicant Ontario Network of Injured Workers' Group is granted and the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length.

The request to present oral argument is deferred to a date following receipt and consideration of the written arguments of the parties and the interveners.

The interveners shall not be entitled to adduce further evidence or otherwise to supplement the record of the parties.

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

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30.10.2001

Before / Devant: ARBOUR J.

**Motion to file a reply factum on appeal**

**Requête pour le dépôt d'un mémoire en réplique lors de l'appel**

Chief Councillor Mathew Hill, also known as Thathathk, on his own behalf and on behalf of all other members of the Kitkatla Band, et al.

v. (27801)

The Minister of Small Business, Tourism and Culture, et al. (B.C.)

**GRANTED / ACCORDÉE** The motion for an order permitting the appellants to file a reply factum to the factum of the intervener the Attorney General of Manitoba is granted.

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30.10.2001

Before / Devant: ARBOUR J.

**Motions for leave to intervene**

**Requêtes en autorisation d'intervention**

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

IN/DANS: Le procureur général du Québec

c. (28417)

Laurent Laroche, et al. (Crim.)(Qué.)

**GRANTED / ACCORDÉES**

**À LA SUITE DE DEMANDES** du procureur général de l'Ontario et du procureur général du Canada visant à obtenir l'autorisation d'intervenir dans l'appel susmentionné;

**ET APRÈS AVOIR LU** la documentation déposée;

**L'ORDONNANCE SUIVANTE EST RENDUE;**

1. La demande d'autorisation d'intervenir présentée par le procureur général de l'Ontario est accueillie; le requérant aura le droit de signifier et déposer un mémoire de 20 pages au plus tard le 7 décembre 2001.
2. La demande d'autorisation d'intervenir présentée par le procureur général du Canada est accueillie; le requérant aura le droit de signifier et déposer un mémoire de 20 pages au plus tard le 7 décembre 2001.

La demande visant à présenter une plaidoirie sera examinée après la réception et l'examen de l'argumentation écrite des parties et des intervenants.

Les intervenants n'auront pas le droit de produire d'autres éléments de preuve ni d'ajouter quoi que ce soit au dossier des parties.

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Conformément au par. 18(6) des Règles de la Cour suprême du Canada, les intervenants paieront à l'appelant et aux intimés tous débours supplémentaires résultant de leur intervention.

**UPON APPLICATION** by the Attorney General of Ontario and the Attorney General of Canada for leave to intervene in the above appeal;

**AND HAVING READ** the material filed ;

**IT IS HEREBY ORDERED THAT:**

1. The motion for leave to intervene of the applicant Attorney General of Ontario is granted and the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length on or before December 7, 2001.
2. The motion for leave to intervene of the applicant Attorney General of Canada is granted and the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length on or before December 7, 2001.

The request to present oral argument is deferred to a date following receipt and consideration of the written arguments of the parties and the interveners.

The interveners shall not be entitled to adduce further evidence or otherwise to supplement the record of the parties.

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

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30.10.2001

Before / Devant: THE REGISTRAR

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

**Requête en prorogation du délai de signification et de dépôt de la réplique du requérant**

Brenda Yvonne Muliner

v. (28798)

Glen Kenneth Bindley (B.C.)

**GRANTED /ACCORDÉE** Time extended to October 18, 2001.

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2.11.2001

Before / Devant: THE REGISTRAR

**Motion to dispense with printing**

**Requête en dispense d'impression**

The Law Society of Alberta

v. (28275)

Craig Charles Krieger, et al. (Alta.)

**GRANTED / ACCORDÉE** The motion for an order excusing the appellant from complying with the provision in Rule 39(4)(a) that the factum be printed in 12 point type is granted.

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12.10.2001

Before / Devant: LEBEL J.

**Motion to add parties**

**Requête en jonction de parties**

Canadien Pacifique Ltée, et al.

c. (28753)

Communauté urbaine de Montréal, et al. (Qué.)

**GRANTED IN PART, COSTS IN THE CAUSE / ACCORDÉE EN PARTIE, FRAIS À SUIVRE**

Madame Françoise Nadon, intervenante en Cour supérieure, à titre de représentante d'un groupe exerçant un recours collectif contre un certain nombre de municipalités et d'organisme dans l'île de Montréal afin d'obtenir de l'éradication de l'herbes à poux et une indemnisation pour les dommages que cause sa propagation présente, ce qu'elle qualifie de requête en substitution ou l'ajout de partie. Cette demande est présentée dans le dossier d'une requête en autorisation déposée par Canadien Pacifique Limitée et al., contre un arrêt de la Cour d'appel du Québec qui a confirmé un jugement de la Cour supérieure. Celui-ci rejetait l'action en nullité intentée par les appelants contre des règlements municipaux imposant l'élimination de l'herbe à poux dans l'île de Montréal.

La documentation déposée dans le dossier d'autorisation de pourvoi indique que ni les municipalités ni le Procureur général du Québec ne semblent vouloir contester la requête pour autorisation de pourvoi. La requête de Madame Nadon souligne qu'elle serait, à ce stade, la seule partie vraiment intéressée au débat pour les fins de la demande d'autorisation. En Cour supérieure et en Cour d'appel, elle a participé activement au débat et a contesté la demande de nullité des règlements. D'ailleurs, les jugements rendus lui ont accordé des dépens.

Les autres parties contestent la requête de Madame Nadon. L'on soutient qu'elle ne peut se faire substituer à une partie. On plaide que, de toute façon, sa demande est prématurée parce qu'elle pourra toujours se faire reconnaître un statut d'intervenant, si l'autorisation de pourvoi est accordée.

L'objection quant à la conclusion de substitution de partie est bien fondée. L'on ne saurait permettre à une partie privée, de se substituer aux organismes municipaux qui prendront leurs propres décisions sur la conduite de ce dossier. Ceux-ci doivent conserver leur droit entier de participer au débat judiciaire, si tant est qu'ils veulent l'exercer.

En règle générale, dans ce dossier cependant, l'on constate que Madame Nadon est la partie qui a mené le débat contradictoire en Cour d'appel et en Cour supérieure. Elle s'était faite reconnaître le droit d'intervenir. Elle a participé agressivement au débat afin de contester les prétentions des demandresses en nullité. Juridiquement, elle était pleinement partie au litige en Cour supérieure et en appel. Dans le contexte d'une requête pour autorisation de pourvoi, où aucun des intimés ne semble pas vouloir débattre le bien fondé de la requête en autorisation de pourvoi, sa participation est justifiée. Je l'estime même nécessaire, dans l'intérêt de la justice, pour éclairer complètement la Cour, notamment sur l'opportunité d'accorder l'autorisation de pourvoi et pour obtenir son appréciation de l'importance des questions en litige. Par la suite, si l'autorisation d'appel est accordée, la question du statut et de la participation de Madame Nadon au pourvoi, sera réglée suivant les dispositions de la loi et des règles de procédure de la Cour, tenu compte également de la situation qui pourrait être créé par l'attitude des autres parties.

Pour ces motifs, la requête est accueillie en partie, et la requérante Madame Françoise Nadon est autorisée à déposer une contestation de la demande d'autorisation, comme si elle était intimée sur la requête en autorisation, dans les 30 jours du présent jugement, le tout frais à suivre.

Françoise Nadon, intervener in the Superior Court, in her capacity as representative of a group that brought a class action against a number of municipalities and organizations on Montreal Island in order to obtain the eradication of ragweed and compensation for the damage its propagation causes, has filed what she calls a motion to substitute or to add parties. This motion is being filed in connection with an application for leave to appeal filed by Canadian Pacific Limited et al., from a decision of the Quebec Court of Appeal that affirmed a judgment of the Superior Court. The Superior Court dismissed the action in nullity brought by the appellants against municipal by-laws making the eradication of ragweed on Montreal Island mandatory.

The documentation filed in the application for leave to appeal shows that neither the municipalities nor the Attorney General of Quebec appear to want to contest the application for leave to appeal. In her motion, Mrs. Nadon argues that, at this stage, she is the only party with a real interest in the debate for purposes of the application for leave. In the Superior Court and in the Court of Appeal, she participated actively in the debate and contested the action in nullity against the by-laws. Moreover, the judgments rendered awarded her costs.

The other parties are contesting Mrs. Nadon's motion. They argue that she cannot be substituted for a party. They argue that, in any case, her motion is premature because she can always request that she be granted intervener status, if leave to appeal is granted.

There is merit to the objection to Mrs. Nadon's request that she be substituted as a party. A private party cannot be allowed to substitute itself for the municipal bodies that will make their own decisions regarding the conduct of this case. The latter must retain their full right to participate in the court proceedings, if they choose to exercise this right.

However, generally speaking, it is clear in this case that Mrs. Nadon is the party who presented the opposing position in the Court of Appeal and the Superior Court. She was granted intervener status. She participated aggressively in the debate in order to contest the plaintiffs' arguments in support of their action in nullity. Legally speaking, she was a full party to the proceedings in the Superior Court and on appeal. In the context of an application for leave to appeal, where none of the respondents appears to want to debate the merits of the application for leave to appeal, her participation is justified. Indeed, I consider it necessary, in the interests of justice, in order to fully inform the Court, in particular on the appropriateness of granting leave to appeal, and to obtain her assessment of the importance of the matters in issue. If leave to appeal is then granted, the question of Mrs. Nadon's status and participation in the appeal will be decided in accordance with the provisions of the Act and the rules of procedure of the Court, having regard also to the situation that might be created by the attitude of the other parties.

For these reasons, the motion is granted in part and the applicant Françoise Nadon is authorized to file an objection to the application for leave, as if she were a respondent in the application for leave, within 30 days following this judgment, the whole with costs in the cause.





**NOTICE OF APPEAL FILED SINCE  
LAST ISSUE**

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

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31.10.2001

**Estate of Mary Theresa McCunn by her Executor  
P. Donald McCunn**

**v. (28516)**

**Canadian Imperial Bank of Commerce, et al.  
(Ont.)**

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31.10.2001

**American International Assurance Life Company  
Ltd., et al.**

**v. (28540)**

**Dorothy Martin (B.C.)**

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30.10.2001

**Daniel Asante-Mensah**

**v. (28867)**

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

(AS OF RIGHT)

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2.11.2001

**Her Majesty the Queen**

**v. (28533)**

**Steve Powley, et al. (Ont.)**

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2.11.2001

**Eric Juri Miglin**

**v. (28670)**

**Linda Susan Miglin**

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5.11.2001

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**S.A.B.**

**v. (28862)**

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

(AS OF RIGHT)

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**APPEALS HEARD SINCE LAST ISSUE  
AND DISPOSITION**

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

2.11.2001

CORAM: Chief Justice McLachlin, Gonthier, Iacobucci, Major, Binnie, Arbour and LeBel JJ.

**Chief Councillor Mathew Hill, et al.**

**v. (27801)**

**The Minister of Small Business, Tourism and  
Culture, et al. (B.C.) (Civil) (By Leave)**

Jack Woodward, Patricia Hutchings and Christopher Devlin for the appellants.

Paul J. Pearlman, Q.C. and Kathryn L. Kickbush for the respondents Minister of Small Business, et al.

Patrick G. Foy, Q.C., William K. McNaughton and Robert J. C. Deane for the respondent International Forest Products Limited.

Gerald Donegan, Q.C. and Jennifer Chow for the intervener the Attorney General of Canada.

Lori Sterling and Daniel Guttman for the intervener the Attorney General for Ontario.

Pierre-Christian Labeau pour l'intervenant le procureur général du Québec.

Gabriel Bourgeois pour l'intervenant le procureur général du Nouveau-Brunswick.

Holly D. Penner for the intervener the Attorney General of Manitoba.

S. H. Rutwind for the intervener the Attorney General of Alberta.

No one appeared for the intervener Council of Forest Industries (written submission by Charles F. Willms).

No one appeared for the intervener Truck Loggers Association (written submission by John J. L. Hunter, Q.C.).

**RESERVED / EN DÉLIBÉRÉ**

**Nature of the case:**

Native Law - Constitutional Law - Division of powers - Whether the impugned sections of the *Heritage Conservation Act*, dealing with aboriginal heritage objects and sites, are *intra vires* the legislature of the Province of British Columbia - Whether the Province can authorize the destruction (extinguishment) of

**Nature de la cause:**

Droit des Autochtones - Droit constitutionnel - Partage des pouvoirs - Les dispositions contestées de la loi intitulée *Heritage Conservation Act*, concernant les objets et sites patrimoniaux autochtones relèvent-elles de la compétence de la législature de la province de la Colombie-Britannique? - La province peut-elle autoriser aboriginal heritage - Whether the impugned sections of the *Heritage Conservation Act* either apply of their own force as provincial legislation or through referential

incorporation as federal law pursuant to s. 88 of the  
*Indian Act*.

la destruction (extinction) du patrimoine autochtone? -  
Les dispositions contestées de la loi intitulée *Heritage  
Conservation Act* s'appliquent-elles directement en  
qualité de loi provinciale ou parce qu'elles sont  
incorporées par renvoi au droit fédéral par application de  
l'art. 88 de la *Loi sur les Indiens*?

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6.11.2001

CORAM: Chief Justice McLachlin, Gonthier, Iacobucci, Bastarache, Binnie, Arbour and LeBel JJ.

**Bernadette Smith**

Andrew R. Kerr and M. Steven Rastin for the appellant.

**v. (27875)**

**Co-Operators General Insurance Company  
(Ont.) (Civil) (By Leave)**

Bruce Keay for the respondent.

**RESERVED / EN DÉLIBÉRÉ**

**Nature of the case:**

**Nature de la cause:**

Commercial law - Statutes - Interpretation - Insurance -  
Motor vehicles - Procedure - Limitation of actions -  
Interpretation - Whether s. 71 of the *Statutory Accident  
Benefits Schedule – Accidents After December 31, 1993  
and Before November 1, 1996*, O. Reg. 776/93, requires  
that an insurer describe to its insured the dispute  
resolution procedure, including the limitation period  
involved in that procedure.

Droit commercial - Lois - Interprétation - Assurance -  
Véhicules automobiles - Procédure - Prescription des  
actions - Interprétation - L'article 71 de l'*Annexe sur les  
indemnités d'accident légales - Accidents survenus après  
le 31 décembre 1993 mais avant le 1<sup>er</sup> novembre 1996*,  
Règl. de l'Ont. 776/93, exige-t-il qu'un assureur décrive  
à son assuré la procédure de règlement des différends, y  
compris la prescription applicable?

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6.11.2001

CORAM: Chief Justice McLachlin, Gonthier, Iacobucci, Bastarache, Binnie, Arbour and LeBel JJ.

**Atomic Energy of Canada Limited**

J. Brett Ledger and Peter Chapin for the appellant.

**v. (28020)**

Graham Garton, Q.C. and J. Sanderson Graham for the  
respondents Minister of Finance of Canada, et al.

**Sierra Club of Canada, et al.  
(F.C.) (Civil) (By Leave)**

Timothy J. Howard and Franklin S. Gertler for the  
respondent Sierra Club of Canada.

**RESERVED / EN DÉLIBÉRÉ**

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**Nature of the case:**

Procedural law - Interlocutory motion - Confidentiality order - Balance between public interest in open and accessible justice and private interest in ensuring justice between the parties - Proper test to be applied where a litigant seeks an order sealing confidential material to be introduced as evidence in a proceeding.

**Nature de la cause:**

Droit procédural - Requête interlocutoire - Ordonnance de confidentialité - Équilibre entre l'intérêt du public à la publicité des débats judiciaires et l'intérêt privé à garantir que justice sera faite entre les parties - Critère approprié qu'il faut appliquer lorsqu'une partie demande une ordonnance de mise sous scellés de documents confidentiels devant être déposés en preuve au cours d'une procédure.

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7.11.2001

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

**Deborah Smith**

**v. (27844)**

**Attorney General of Canada  
(F.C.) (Civil) (By Leave)**

Brian A. Crane, Q.C. and Ritu Gambhir for the appellant.

Brian J. Saunders and Anne M. Turley for the respondent.

Sean Hanley for the intervener the Attorney General for Ontario.

Isabelle Harnois et Gilles Laporte pour l'intervenant le procureur général du Québec.

Eugene Szach and Donald Lofendale for the intervener the Attorney General of Manitoba.

**RESERVED / EN DÉLIBÉRÉ**

**Nature of the case:**

Canadian Charter - Civil - Privacy - Customs and Excise - Employment Insurance - Legislation disentitles employment insurance recipients from receiving benefits during a period in which they are absent from Canada - Whether s. 32(b) of the *Unemployment Insurance Act*, R.S.C., 1985, c. U-1, and s. 54 of the *Unemployment Insurance Regulations*, C.R.C., c. 1576, infringe or deny mobility rights guaranteed under s. 6(1) of the *Canadian Charter of Rights and Freedoms* - If yes, is the violation justified under s. 1? - Whether s. 108(1)(b) of the *Customs Act*, R.S.C., 1985, c. C-1, which provides for the disclosure of information by the Minister of National Revenue, is constitutionally inapplicable to the disclosure to the Canada Employment Insurance Commission of information obtained from returning Canadian residents because the disclosure infringes their right to be secure against

**Nature de la cause:**

Charte canadienne - Civil - Vie privée - Douanes et Accise - Assurance-emploi - La loi rend les prestataires d'assurance-emploi inadmissibles au bénéfice des prestations pendant les périodes où ils sont à l'extérieur du Canada - L'al. 32b) de la *Loi sur l'assurance-chômage*, L.R.C., (1985), ch. U-1, et l'art. 54 du *Règlement sur l'assurance-chômage*, C.R.C., ch. 1576, portent-ils atteinte à la liberté de circulation et d'établissement garantie par le par. 6(1) de la *Charte canadienne des droits et libertés*? - Dans l'affirmative, l'atteinte est-elle justifiée au sens de l'article premier? - L'al. 108(1)b) de la *Loi sur les douanes*, L.R.C., (1985), ch. C-1, qui prévoit la communication de renseignements par le ministre du Revenu national, est-il constitutionnellement inapplicable à la communication de renseignements par le ministre du Revenu national, est-il un *unreasonable search or seizure* guaranteed by s. 8 of the *Canadian Charter of Rights and Freedoms*.

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tion par la Commission de l'assurance-emploi du Canada de renseignements obtenus auprès de résidents du Canada revenant au pays, du fait que la communication porte atteinte au droit d'être protégés contre les fouilles, les perquisitions ou les saisies abusives que leur garantit l'art. 8 de la *Charte canadienne des droits et libertés*?

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7.11.2001

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

**Privacy Commissioner of Canada**

**v. (27846)**

**Attorney General of Canada  
(F.C.) (Civil) (By Leave)**

**RESERVED / EN DÉLIBÉRÉ**

**Nature of the case:**

Statutes - Interpretation - Privacy - Customs and Excise - Employment Insurance - Legislation disentitles employment insurance recipients from receiving benefits during a period in which they are absent from Canada - Whether the Federal Court of Appeal erred in finding that the disclosure of "personal information" by the Department of National Revenue to the Canada Employment Insurance Commission, pursuant to the Ancillary Memorandum of Understanding for data capture and release of information on travellers, was authorized by s. 8 of the *Privacy Act*, R.S.C., c. P-21 and s. 108 of the *Customs Act*, R.S.C., c. C-1 - Whether para 108(1)(b) of the *Customs Act* provides the Minister with authority to disclose personal information to the Commission for use in an investigative data match program - Whether the Minister properly authorized the disclosure of personal information in the Traveller Declaration Forms to the Commission for use in an investigative data match program.

Brian A Crane, Q.C. and Ritu Gambhir for the appellant.

Brian J. Saunders and Anne M. Turley for the respondent.

**Nature de la cause:**

Lois - Interprétation - Droit à la vie privée - Douanes et accise - Assurance-emploi - La loi prévoit qu'une personne ne peut toucher des prestations d'assurance-emploi lorsqu'elle est absente du Canada - La Cour d'appel fédérale a-t-elle erré en concluant que la communication de « renseignements personnels » par le ministère du Revenu national à la Commission de l'assurance-emploi du Canada, en application du protocole d'entente auxiliaire pour la collecte et la communication de données extraites des renseignements recueillis par les douanes sur les voyageurs était autorisée par l'art. 8 de la *Loi sur la protection des renseignements personnels*, L.R.C., ch. P-21 et l'art. 108 de la *Loi sur les douanes*, L.R.C., ch. C-1? - L'al. 108(1)b) de la *Loi sur les douanes* confère-t-il au ministre le pouvoir de communiquer à la Commission des renseignements personnels devant être utilisés dans le cadre d'un programme visant à identifier ceux qui touchent des prestations d'assurance-emploi qu'ils sont à l'extérieur du Canada? - Le ministre a-t-il autorisé à bon droit la communication à la Commission de renseignements personnels tirés de la Déclaration du voyageur en vue de leur utilisation dans le cadre d'un tel programme?

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8.11.2001

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

**Compagnie d'assurance-vie Transamerica du  
Canada**

Alain Létourneau et René Vallerand pour l'appelante.

**c. (27939)**

**Danielle Goulet (Qué.) (Civile) (Autorisation)**

Jean Blaquièrre pour l'intimée.

**RESERVED / EN DÉLIBÉRÉ**

**Nature of the case:**

Commercial law - Insurance law - Public order - Life insurance - Death of insured during commission of criminal offence - Considering public order prohibiting insured or beneficiaries from benefiting from crime, whether Quebec Court of Appeal justified in distinguishing, for payment of insured amount, between estate and designated beneficiary despite article 2550 C.C.L.C. - Considering public order not requiring insured to act intentionally for materialization of insured risk, whether Quebec Court of Appeal justified in examining intent of insured at the time offence committed - Whether law requires insurer to include clause in policy excluding what public order prohibits.

**Nature de la cause:**

Droit commercial - Droit des assurances - Ordre public - Assurance vie - Décès de l'assuré lors de la perpétration d'un acte criminel - L'ordre public empêchant l'assuré ou ses ayants-droit de bénéficier de son crime, la Cour d'appel du Québec avait-elle raison de faire une distinction - pour le paiement de la somme assurée - entre la succession et le bénéficiaire désigné, malgré l'art. 2550 C.c.B-C? - La règle d'ordre public n'exigeant pas que l'assuré ait intentionnellement agi pour réaliser le risque assuré, la Cour d'appel du Québec avait-elle raison d'examiner l'intention de l'assuré au moment où il accomplissait un acte criminel? - La loi exige-t-elle que l'assureur ajoute à sa police une clause particulière pour exclure ce qui est contraire à l'ordre public?

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8.11.2001

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

**Transamerica Life Insurance Company of Canada**

Paul J. Bates, Kirk F. Stevens and Simon Clements for the appellant.

**v. (28163)**

**Maria Oldfield (Ont.) (Civil) (By Leave)**

Alfred M. Kwinter and Ron Weinberger for the respondent.

**RESERVED / EN DÉLIBÉRÉ**

**Nature of the case:**

Commercial law - Insurance law - Life-insurance - Public policy - Interpretation of insurance contract - Death occurred after bag of cocaine swallowed by the insured leaked - Criminal act - Whether courts below erred in permitting a designated beneficiary of an insurance policy on the life of the policy owner to recover the insurance proceeds where the policy owner died in the course of and as a result of committing a criminal act - If the answer is yes, whether this case is excepted from the rule because of Oldfield's separation agreement.

**Nature de la cause:**

Droit commercial - Droit des assurances - Assurance-vie - Ordre public - Interprétation d'un contrat d'assurance - Décès survenu après la rupture du sac de cocaïne avalé par l'assuré - Acte criminel - Les tribunaux d'instance inférieure ont-ils commis une erreur en permettant à la bénéficiaire désignée d'une police d'assurance-vie sur la vie du propriétaire de la police de recouvrer le produit de l'assurance après que le propriétaire de la police est décédé au cours et à cause de la perpétration d'un acte criminel? - Le cas échéant, la présente affaire fait-elle exception à la règle en raison de la convention de séparation de Mme Oldfield?

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## 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** : **December 3, 2001**  
Service : November 9, 2001  
Filing : November 16, 2001  
Respondent : November 23, 2001

### 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** : **3 décembre 2001**  
Signification : 9 novembre 2001  
Dépôt : 16 novembre 2001  
Intimé : 23 novembre 2001

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## DEADLINES: APPEALS

## DÉLAIS: APPELS

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The Winter Session of the Supreme Court of Canada will commence January 14, 2002.

La session d'hiver de la Cour suprême du Canada commencera le 14 janvier 2002.

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'appelant, son mémoire et son recueil de jurisprudence et de doctrine** doivent être déposés dans les quatre mois du dépôt 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 du mémoire de l'appelant.

**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 du mémoire de l'intimé, sauf ordonnance contraire.

**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

- 2001 -

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

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

DECEMBER - DECEMBRE						
S D	M L	T M	W M	T J	F V	S S
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23	24	H 25	H 26	27	28	29
30	31					

- 2002 -

JANUARY - JANVIER						
S D	M L	T M	W M	T J	F V	S S
		H 1	2	3	4	5
6	7	8	9	10	11	12
13	M 14	15	16	17	18	19
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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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10	M 11	12	13	14	15	16
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MARCH - MARS						
S D	M L	T M	W M	T J	F V	S S
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24 31	25	26	27	28	H 29	30

APRIL - AVRIL						
S D	M L	T M	W M	T J	F V	S S
	H 1	2	3	4	5	6
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14	M 15	16	17	18	19	20
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28	29	30				

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

Sittings of the court:  
Séances de la cour:

Motions:  
Requêtes:

Holidays:  
Jours fériés:



18 sitting weeks / semaines séances de la cour

79 sitting days / journées séances de la cour

9 motion and conference days / journées requêtes, conférences

2 holidays during sitting days / jours fériés durant les sessions