

**SUPREME COURT
OF CANADA**



**COUR SUPRÊME
DU CANADA**

**BULLETIN OF
PROCEEDINGS**

**BULLETIN DES
PROCÉDURES**

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**APPLICATIONS FOR LEAVE TO
APPEAL FILED**

**Pierre Rajotte, ès qualités de liquidateur de la
succession de feu Yvon Rajotte**

Antoine Bigenwald
Fratlicelli & Associés

c. (28787)

Manon Burns (Qué.)

Robert Trembaly

DATE DE PRODUCTION 6.9.2001

1185740 Ontario Limited

Pierre Richard, Q.C.
Lang Michener

v. (28791)

The Minister of National Revenue, et al. (F.C.)

Christopher M. Rupar
A.G. of Canada

FILING DATE 10.9.2001

Maurice Boucher

Jacques Normandeau
Filteau, Belleau, Normandeau

c. (28792)

Jean-François Longtin, et al. (Qué.)

Marcus Spivock
Bernard, Roy & Associés

DATE DE PRODUCTION 10.9.2001

Preet (Peter) Sarbjit Gill

David W. Gibbons, Q.C.
Gibbons Ritchie

v. (28742)

Her Majesty the Queen (B.C.)

W.S. Berardino, Q.C.
Fasken Martineau DuMoulin

FILING DATE 18.9.2001

R.T.

Suzanne H. Pringle

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

c. (28795)

P.L. (Qué.)

Pierre J. Raiche

DATE DE PRODUCTION 21.9.2001

**Mihrali Celik, carrying on business under the
name and style of Oxford Building Maintenance
Engineering**

Mihrali Celik

v. (28790)

**U.S.F. & G. Insurance Company of Canada
formerly known as Fidelity Insurance Company
of Canada (Ont.)**

William Woodward
Dyer, Brown

FILING DATE 26.9.2001

Co-Operators General Insurance Company

T.H. Rachlin, Q.C.
Rachlin & Wolfson

v. (28797)

McNaughton Automotive Limited (Ont.)

M. Paul Downs

FILING DATE 12.9.2001

Dr. Ian Swayze et al.

Brian A. Crane, Q.C.
Gowling, Lafleur Henderson

v. (28799)

**Professor Scott Starson a.k.a. Scott Jeffrey
Schutzman (Ont.)**

Professor Scott Starson

FILING DATE 12.9.2001

John Meyer

Judith Shriar
Field Atkinson Perraton

v. (28793)

Partec Lavalin Inc., et al. (Alta.)

Alan J. McConnell
Burstall Winger

FILING DATE 18.9.2001

Theodore H. Polisuk

John A. Champion
Fasken Martineau DuMoulin

v. (28767)

Donald McKinnon, et al. (Ont.)

Thomas J. Dunne, Q.C.
Gowling Lafleur Henderson

FILING DATE 28.8.2001

Luc Racicot, et al.

Jean-Félix Racicot

c. (28803)

Pierre Alajarin Senior (Qué.)

Denis A. Lapierre
Sweibel Novek

DATE DE PRODUCTION 12.9.2001

Coopérative d'habitation Jeanne-Mance

Michel Cossette

c. (28804)

Esmond Choueke (Qué.)

Zyskind Finkelsein

DATE DE PRODUCTION 12.9.2001

Gérard St-Onge, et al.

Josée Ferrari

c. (28805)

Sa Majesté la Reine (Qué.)

Yves Briand

DATE DE PRODUCTION 17.9.2001

Saskatchewan Indian Gaming Authority Inc., et al.

Catherine A. Sloan
McKercher McKercher & Whitmore

v. (28801)

Nancy M. Drew, et al.

FILING DATE 18.9.2001

Glenda Doucet-Boudreau, et al.
Joel E. Fichaud, Q.C.
Patterson Palmer Hunt Murphy

v. (28807)

Attorney General of Nova Scotia (N.S.)
Alexander M. Cameron
A.G. of Nova Scotia

FILING DATE 17.9.2001

Walter J. Gregory
Kirk F. Stevens
Lerner & Associates

v. (28814)

Ron L. Jolley, et al. (Ont.)
Robert J. Howe
Davies-Howe Partners

FILING DATE 17.9.2001

Subhash Chander Jain
Subhash Chander Jain

v. (28816)

Veena Jain, et al. (Ont.)
Mark H. Arnold
Gardiner, Blumberg

FILING DATE 18.9.2001

Abdul M. Mousa, et al.
Abdul M. Mousa

v. (28817)

Simon Fraser Health Region, et al. (B.C.)
James H. Goulden
Bull, Housser & Tupper

FILING DATE 18.9.2001

Inverhuron & District Ratepayers' Association
Rodney V. Northey
Birchall & Solicitors

v. (28800)

The Minister of the Environment, et al. (F.C.)
Brian J. Saunders
A.G. of Canada

FILING DATE 19.9.2001

Motor Vessel "Glenshiel"
Murray L. Smith
Campney & Murphy

v. (28813)

Her Majesty the Queen (B.C.)
Cory Stolte, Q.C.
A.G. of Canada

FILING DATE 19.9.2001

Patricia Jager
Harry O. Moffet
Weir Bowen

v. (28818)

Liberty Mutual Fire Insurance Company (Alta.)
Douglas N. Skovberg
Skovberg Hinz

FILING DATE 19.9.2001

**Friends of the Calgary General Hospital Society
as representatives of the ratepayers of the City of
Calgary and residents of Southern Alberta**
A. Clayton Rice
Ouellette Rice

v. (28812)

**Her Majesty the Queen in Right of Canada, et al.
(Alta.)**
Rolinda D.Y. Mack
Department of Justice

FILING DATE 21.9.2001

Trevor William Rogers
Scott B. Stewart

Stewart & Company

v. (28806)

v. (28809)

**The Minister of Citizenship and Immigration
(F.C.)**

Lloyd Andrew Graham (B.C.)
Robert J. Falconer, Q.C.

David Tyndale
A.G. of Canada

FILING DATE 24.9.2001

FILING DATE 28.9.2001

Edith Lorraine Lennard, et al.

James D. Baker, Q.C.
Baker Newby

KP Pacific Holdings Ltd.

Michael G. Armstrong
Armstrong & Company

v. (28810)

v. (28815)

Arlie Elaine Durant (B.C.)

Gordon Hilliker
Garton & Harris

Guardian Insurance Company of Canada (B.C.)

Donald W. Yule
Guild, Yule & Company

FILING DATE 24.9.2001

FILING DATE 1.10.2001

Peter Randy Reifel

Howard Shapray, Q.C.
Shapray Cramer & Associates

v. (28811)

John Halagan (B.C.)

Rose-Mary Basham, Q.C.
Basham Thompson & Liu

FILING DATE 24.9.2001

Donald Igbokwe et al.

Alan L. Rachlin
Rachlin & Wolfson

v. (28802)

**HB Group Insurance Management Ltd., et al.
(Ont.)**

Timothy S.B. Danson
Danson, Recht & Freedman

FILING DATE 27.9.2001

Stevens Romans

Lorne Waldman
Jackman, Waldman & Associates

OCTOBER 1, 2001 / LE 1^{ER} OCTOBRE 2001

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

Sadrudin Jessani

v. (28675)

Minister of Citizenship and Immigration (F.C.)

NATURE OF THE CASE

Immigration law - Statutes - Interpretation - Jurisdiction - Immigration and Refugee Board, Appeal Division - Permanent resident - Loss of status as permanent resident under *Immigration Act*, R.S.C. 1985, c. I-2, s. 24, due to an absence from Canada of more than 183 consecutive days in a 12-month period - Whether the Immigration and Refugee Board, Appeal Division has equitable jurisdiction over a person who has abandoned his status as a permanent resident of Canada - Whether the Court of Appeal correctly identified the standard of review applied to the review of factual findings of the Immigration Appeal Division.

PROCEDURAL HISTORY

April 5, 2000
Federal Court (Trial Division)
(Campbell J.)

Applicant's application for judicial review of Immigration and Refugee Board, Appeal Division allowed

April 27, 2001
Federal Court of Appeal
(Isaac, Sexton and Malone JJ.A.)

Appeal allowed; application for judicial review dismissed

June 26, 2001
Supreme Court of Canada

Application for leave to appeal filed

Peggy Ann Sheppard

v. (28596)

The Royal Institution for the Advancement of Learning (McGill University) (Que.)

NATURE OF THE CASE

Administrative law - Judicial review - Whether the Court of Appeal erred in holding that the first judge did not allow an appeal from the arbitration decision by failing to recognize that the first judge redefined the orders given in a final and binding arbitration decision - Whether the Court of Appeal erred in failing to recognize that the first judge made a series of palpable and determining errors that gravely affected the Superior Court's assessment of the facts and the testimony of witnesses - Whether the Court of Appeal disregarded the principles of the law of evidence in holding that no witness established that the arbitration order with respect to the removal of a letter from the Applicant's file had not been obeyed and also in holding that it was necessary to deposit the file in the court record in order to prove that the letter was not withdrawn - Whether the Court of Appeal erred by failing to recognize that the Superior Court judgment did not fairly

or reasonably interpret the burden of proof when applied to proving beyond a reasonable doubt the *actus reus* and the *mens rea* with respect to the Respondent's failure to comply with the orders rendered in an arbitration award.

PROCEDURAL HISTORY

February 17, 1998 Superior Court of Quebec (Lévesque J.)	Applicant's motion for condemnation for contempt of court dismissed
March 16, 2001 Court of Appeal of Quebec (Mailhot, Dussault and Letarte [ad hoc] JJ.A.)	Appeal dismissed
May 15, 2001 Supreme Court du Canada	Application for leave to appeal filed

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

Jean Smith

c. (28589)

Air Canada

-et-

Commission de la santé et de la sécurité du travail (Qué.)

NATURE DE LA CAUSE

Droit du travail - Procédure - Responsabilité civile - Accidents du travail - Prescription - Négligence - *Loi sur les accidents du travail et les maladies professionnelles*, L.R.Q. c. A-3.001 - *Code civil du Québec*, L.Q. 1991, c.64, article 2925 - La Cour d'appel a-t-elle erré en concluant que l'appel du demandeur était irrecevable et voué à l'échec?

HISTORIQUE PROCÉDURAL

Le 13 août 1996 Commission de la santé et de la sécurité du travail (CSST)	Réclamation à titre de rechute, récurrence ou aggravation d'une lésion subie en 1978, rejetée
Le 18 mars 1997 Bureau de révision des Laurentides	Décision de la CSST confirmée
Le 19 février 1999 Commission des lésions professionnelles (Lacroix, Commissaire)	Appel rejeté
Le 11 octobre 2000 Cour supérieure du Québec (Fraiberg j.c.s.)	Requête de l'intimée en irrecevabilité à l'encontre de l'action du demandeur accueillie

Le 2 avril 2001
Cour d'appel du Québec
(Mailhot, Deschamps et Rochette jj.c.a.)

Appel rejeté; requête du demandeur pour permission de
présenter une nouvelle preuve, rejetée

Le 10 mai 2001
Cour suprême du Canada

Demande d'autorisation d'appel déposée

The Chippewas of Sarnia Band

v. (28365)

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 Trustco Mortgage Company (Ont.)

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

Application for leave to appeal filed

Gilmore Wright

v. (28577)

Minister of Citizenship and Immigration (F.C.)

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

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

Marcus Richardson

v. (28674)

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

NATURE OF THE CASE

Canadian *Charter* - Criminal - Criminal Law - Narcotics - Evidence - Seizure - Applicant stopped at traffic roadblock set up by police officers to check licenses, insurance and for impaired drivers - Police officer detects odour of marijuana emanating from applicant's vehicle - Officer searches person of accused, interior and trunk of vehicle, and bags in trunk of vehicle - Small quantity of marijuana and cash found on applicant's person - Large quantity of marijuana and cash found in bags in trunk - Conclusion at trial that applicant's ss. 8 and 10(b) *Charter* rights infringed - Evidence admitted under s. 24(2) of *Charter* - Whether Court of Appeal erred in characterizing the evidence as non-convictive - Whether majority of the Court of Appeal erred in concluding that *R. v. Mellinthin* no longer the law in the circumstances - Whether Court of Appeal erred in failing to exclude evidence in relation to both counts.

PROCEDURAL HISTORY

June 14, 1999 Provincial Court of British Columbia (Paradis P.C.J.)	Conviction: one count of possession and one count of possession for the purpose of trafficking
---	--

January 26, 2000 Provincial Court of British Columbia (Paradis J.)	Conditional discharge and 3 months probation on possession charge, suspended sentence and 6 months probation on trafficking charge
May 3, 2001 Court of Appeal of British Columbia (McEachern C.J., Levine, and Hall [dissenting in part] JJ.A.)	Appeal from conviction dismissed
June 25, 2001 Supreme Court of Canada	Motion to extend time to serve and file notice and Notice of Appeal as of Right filed
August 2, 2001 Supreme Court of Canada	Application for leave to appeal filed
August 27, 2001 Supreme Court of Canada (Arbour J.)	Motion to extend time to June 25, 2001 to serve and file Notice of Appeal as of Right granted

Taiwo Adun

v. (28735)

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

NATURE OF THE CASE

Criminal law - Evidence - Whether law relating to identification evidence misapplied by lower courts - Unreasonable verdict - Whether lower courts erred misapplying the law in relation to the unreasonable verdict.

PROCEDURAL HISTORY

November 17, 1999 Ontario Court (Provincial Division) (White J.)	Convictions: uttering a forged document, breach of recognizance and fraud under \$5,000
June 13, 2001 Court of Appeal for Ontario (Finlayson, Weiler and Goudge JJ.A.)	Appeal against conviction allowed in part: conviction for attempting to utter a forged document substituted for conviction of uttering a forged document
August 13, 2001 Supreme Court of Canada	Application for leave to appeal filed

N.H.S.

v. (28598)

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

NATURE OF THE CASE

Criminal Law (Non Charter) - Young offenders - Manslaughter - Sufficiency of trial judge's reasons - Whether the Court of Appeal for Ontario erred in failing to hold that the learned trial judge's reasons for judgment were inadequate in respect of the Applicant's conviction for manslaughter

PROCEDURAL HISTORY

May 3, 2000 Ontario Court of Justice (Youth Court) (Weseloh J.)	Applicant convicted of manslaughter contrary to s.236(b) of the <i>Criminal Code</i>
February 8, 2001 Court of Appeal for Ontario (Charron, Feldman and MacPherson JJ.A.)	Appeal against conviction dismissed
May 15, 2001 Supreme Court of Canada	Application for leave to appeal filed
August 31, 2001 Supreme Court of Canada Registrar	Motion for an extension of time to file and or serve the response granted

OCTOBER 4, 2001 / LE 4 OCTOBRE 2001

28614

Valerie Jennifer Askoty, April Joan Askoty, Keith Chipesia, Carol Dawn Monkman, Rita Rosie Glover, Sandra Rose Glover, Wayne Herbert Glover, Julie Joan Courtoreille on her own behalf and as guardian ad litem on behalf of her infant children, Clayton Joseph Courtoreille, Janneke Ashley Courtoreille and Dakota Ray Courtoreille, Tammy Lin Courtoreille on her own behalf and as guardian ad litem on behalf of her daughter Natika Lin Piehl, Evelynn Caroline Bilotta, Bonnie Leigh Belcourt, April Calliou, Betty Sue Irene Calliou, Brenda Lorraine Calliou, Candice Kathleen Calliou, Carl Robert Calliou, Christopher John Calliou, Constance Frances Calliou, Dwayne Calliou, Gwen Calliou, Loretta Ann Calliou, Maria Isabel Calliou, Michelle Ann Calliou, Mona Lisa Calliou, Norah Marguerite Calliou, Pamela Joan Calliou, Priscilla Calliou, Sidney Joseph Calliou, Tania Mildred Calliou, Caroline Campbell, Dezmar Campbell, Gerri Maralyn Campbell, Glenda Sharon Campbell, Lyle Edward Campbell, Frances Rose Cross, Mary Cryingman, Allison Marjorie Gauthier, Claire Dean Gauthier, Clifford Curtis Gauthier, Crystal Lillian Gauthier, Derald Patrick Gauthier, Dorothy Beatrice Gauthier, Eldon Albert Gauthier, Geraldine Ann Gauthier, Jessica Claire Gauthier, Kimberly Sandra Gauthier, Lillian Maggy Gauthier, Lynn Mavis Gauthier, Myron Frederick Gauthier, Norma Mary Gauthier, Oliver Patrick Gauthier, Rhonda Lea Gauthier, Stella Ivy Gauthier, Alfred Ernest Gladue, Charlene Gladue, Charlotte Ann Gladue, Jean Isabel Gladue, Kevin Gladue, Norah Marguerite Gladue, Riel Francis Gladue, Shane Beau Gladue, Wendy Noreen Gladue, Beverly Ann Greenwood, Albert Hamelin, Trevor Hoffman, Bert Lawrence Horseman, Jacqueline Hunter, Brandy Elaine Lenko, Blaine Edward Letendre, Donna Mae Letendre, Earl Letendre, Kathleen Rachel Letendre, Shirley Rose Letendre, Tina Marie Letendre, Winona Darlene Letendre, Bernadine Elvira Ramstead, Laverne Shade, Corrine Sharon Shearer, Cindy Skwarchuk, Annie Elizabeth Supernault, Stella Supernault, Tamara Supernault, Lisa Marie Taylor, Nicole Lynn Taylor, Patrick Derald Taylor, Jennifer Rachel Wynn and Lana Zatelny - v. - Joseph Apsassin, Chief of the Blueberry River Indian Band and Jerry Attachie, Chief of the Doig Indian River Band, on behalf of themselves and all other members of the Doig River Indian Band and the Blueberry River Indian Band AND Her Majesty the Queen in right of Canada as represented by the Department of Indian Affairs and Northern Development and the Director of the Veterans Land Act - and between - Bradley Wayne Courtoreille on his own behalf and as guardian ad litem on behalf of his daughter Anna Marie Kimberlee Courtoreille, Daniel George Green on his own behalf and as Guardian ad litem, on behalf of his infant children, Daniel Frances Wells-Green, Alexander Peter Wells-Green, and Katia Rose Wells-Green, Allan Blayne Green and Korey Allan Green as guardians ad litem on behalf of their child, Brett Aaron Green, Walter Francis Green, Rose Ann Lessing, her children, Brett William Green, Erika Joanne Derose and Bryan Paul Lessing, Rose Ann Lessing as guardian ad litem on behalf of her grandchildren, Trent Robert Green, Terrence Leonard Green, Amanda Louise Green and Jordan, Ziffra Catherine Derose, Theresa Rosanna (Green) De La Ronde, her children, Valerie Theresa De La Ronde, Charles Lance De La Ronde, Deborah Elise De La Ronde, Sharon Lori (De La Ronde) McLeod, Kevin John De La Ronde and Eldon Henry De La Ronde, Theresa Rosanna (Green) De La Ronde as guardian ad litem on behalf of her grandchildren, Cherina Dawn Cooke, Gavin John De La Ronde, Rochelle Elise Dinah De La Ronde, Landon Charles Avramavic, Cole Jacob Avramavic, Jeremy John McLeod and Tyler Mason MacLeod, Thomas Cecil Green, his children, Colin Brady Green, Cheryl Lea (Green) Frank, Tracy Alison (Green) Lefferson, Thomas Cecil Green as guardian ad litem on behalf of his grandchildren, Emily Rachel Green, Travis Dean Frank, Troy Curtis Frank and Haley Rose Lefferson, Robert John Green on behalf of his children, James Walter Green and Jodi Lorraine (Green) Hingley, Robert John Green as guardian ad litem on behalf of his grandchildren, Jesse Robert Green, Skylar Lee Green, Jeremy Joseph Hingley, Paige Elaine Hingley, William Darryl Green, on behalf of his children, Joseph Shane Green and Jacquelyn Marie Green, Bradley Charles Green, Andrea Dawn Belcourt, Barb Vickie Belcourt, Curtis Tyrel Belcourt, Reign Alice Dawn Belcourt, Shannon Margaret Kathleen Belcourt, Cecile

Martha Letendre, Cristina Rae Letendre, Clark Edward Letendre, Clayton Dennis Letendre, Clifton Ashley Letendre, Clinton Wayne Letendre, Colin George Letendre, Corey Isadore Letendre, Jalenna Brianne Letendre, Jana Cecile Letendre, Janelle Katelyn Paige Letendre, Laura Annie Letendre, Mallory Lane Letendre, Mason Anthony Ronald Letendre, Sheila Lou Letendre, Sherry Ann Wanda Letendre, Vyrel Glenda Noland, Alvina Joanna Supernant - v. - Joseph Apsassin, Chief of the Blueberry River Indian Band and Jerry Attachie, Chief of the Doig Indian River Band, on behalf of themselves and all other members of the Doig River Indian Band and the Blueberry River Indian Band, Her Majesty the Queen in right of Canada as represented by the Department of Indian Affairs and Northern Development and the Director of the Veterans Land Act - and between - Bella Kucinsky on her own behalf and as guardian ad litem on behalf of her children, Christopher Richard Wolter, Cynthia Wanda Wolter, Daniel John Kucinsky, Albert Achla, Cecil Achla, Coleen Ellen Achla on her own behalf and as guardian ad litem on behalf of her children, Shania Margaret Davis, Annette Davis, Tamara Ellen Ann Davis, David Achla, Edward Achla, Eunice Achla, Fredrick Raymond Achla, on his own behalf and as guardian ad litem on behalf of his child, Michelle Debra Jean Achla; John Achla, Norman Wesley Achla, Allan Rufus Apsassin, Junior Clifford Jimmy Darrell Apsassin, on his own behalf as guardian ad litem on behalf of his children, Dakota Rae Apsassin and Taelor Rebecca Apsassin, Keith Stewart Apsassin, on his own behalf and as guardian ad litem on behalf of his children, Ethan Cam Apsassin and Tanner Eli Phillip Apsassin, Janice Joan Askoty, as guardian ad litem on behalf of her child, Ross Johnnie Rider Askoty, Clayton Jack Askoty, Bruce Murray Attachie, Stewart Cameron, as guardian ad litem on behalf of the infants, Ashley Victoria Maas and Taylor Alexis Mayo, Darlene Marena Chipesia on her own behalf and as guardian ad litem on behalf of her children, Stella Chipesia, Wade Chipesia, Ashley Chipesia, Lana Chipesia and Jann Chipesia, Jerry Chipesia, Joseph James Chipesia, Judy Lynn Chipesia, Kathryn Chipesia on her own behalf and as guardian ad litem on behalf of her child, Barrington Chipesia, Loretta Chipesia on her own behalf and as guardian ad litem on behalf of her children, Jamie Dawn Tsakoza, Rodney Leroy Chipesia, Leon Jorge Chipesia, Tanya Shavon Chipesia and Kerry Lindy Chipesia, Patricia Chipesia, Lorna Samantha Cochrane, Anne Lenore Davis on her own behalf and as guardian ad litem on behalf of her children, Raven Dawn Davis, Ryan Scott Lussier, Dinah Helen Davis on her own behalf and as guardian ad litem on behalf of her children, Conrad Clayton Davis, Chance Little Feather Davis, Cole Daniel Murray Davis and Alexander Junior Clifford Davis, Annie Field, Darlene Field on her own behalf and as guardian ad litem on behalf of her children, Diane Wendy Field, Belinda Dixie Roberta Field and Dustin Bernard George Joseph Courtoreille, Frances Field as guardian ad litem on behalf of her children, Florence Field, Ralph Achla and Shane Achla, Jason Field, Marilyn Fox on her own behalf and as guardian ad litem on behalf of her child, Ashley Jamie Fox, Raymond Fox, Rita Fox on her own behalf and as guardian ad litem on behalf of her children, Brent Clayton James Fox and Trenton Kelsey Amos Fox, Debbie Lori Hansen on her own behalf and as guardian ad litem on behalf of her children, Laura Michelle Hansen and Allan Lee Hansen, Lee Hunter, Edna Jean Johnson on her own behalf and as guardian ad litem on behalf of her children, Blain Alexander Yahey, Grant Byron Kyle Johnson and Kendall Dion Johnson, Aaron Dennis Metecheah, Alice Metecheah on her own behalf and as guardian ad litem on behalf of her child, Amanda Lynn Metecheah, Bernard Metecheah on his own behalf and as guardian ad litem on behalf of his children, Jennifer Field, Kirby Leslie Field, William Daniel Field, and as guardian ad litem on behalf of his granddaughter, Selena Field, Charlene Amy Metecheah, Dalphus Jason Metecheah, Elvis Darin Metecheah, Jeffrey Jake Metecheah, Katie Metecheah on her own behalf and as guardian ad litem on behalf of her children, Shantel Sally Metecheah, Travis Alex Metecheah and Jeremy Rene Metecheah, Maizie Mary Metecheah, Joyce Morin on her own behalf and as guardian ad litem on behalf of her children, Gavin Andrew James Morin, Jonathon Kirk Achla Morin, Micheala Joy Marie Morin and Sabrina Jane Morin, Edna Mary St. Pierre on her own behalf and as guardian ad litem on behalf of her child, Tayte Wesley St. Pierre, Karen Julie St. Pierre, Beverly Maureen Stager on her own behalf and as guardian ad litem on behalf of her children, Teesha Marie Stager and

Nicole Ann Stager, Anice Ann Wokely, Jasper Wokely, Joseph Francis Wokely, Lois Wokely, Lori Ann Wokely on her own behalf and as guardian ad litem on behalf of her child, Michael James Pouce Coupe, Luanna Wokely on her own behalf and as guardian ad litem on behalf of her children, Alvina Davis and Irvin Wokely, Melvin Wokely, Norma Ruby Wokely, Richard Oscar Wokely, Sherry Wokely on her own behalf and as guardian ad litem on behalf of her child, Newitin Barnard Apsassin-Wokely, Stephanie Merle Wokely, Frederick Wolf, Mary Wolf, Evelyn Wolter on her own behalf and as guardian ad litem on behalf of her child, Jordyn Chelsea Pauline Wolter, Adam Carrier, Deanna Carrier, Nathan Carrier, Allen Green, The Estate of Emil Charles Green, Donna MacDonald, Lindsay MacDonald, Colleen MacTavish, Lisa MacTavish, Meagan MacTavish, Joyce Price and Don Paul - v. - Joseph Apsassin, Chief of the Blueberry River Indian Band and Jerry Attachie, Chief of the Doig Indian River Band, on behalf of themselves and all other members of the Doig River Indian Band and the Blueberry River Indian Band AND Her Majesty the Queen in right of Canada as represented by the Department of Indian Affairs and Northern Development and the Director of the Veterans Land Act (FC) (Civil)

CORAM: The Chief Justice, Major and Bastarache JJ.

The applications for leave to appeal are dismissed.

Les demandes d'autorisation d'appel sont rejetées.

NATURE OF THE CASE

Procedural Law - Civil Procedure - Federal Court ordered to assess damages against the Crown for breach of fiduciary duty with respect to mineral rights in Indian Reserve 172 in *Blueberry River Indian Band v. Canada (Department of Indian Affairs and Northern Development)* - Damages assessed - Entitlement to share in damages disputed - Whether present descendants of the Beaver Band of Indians who are not members of the Doig River Indian Band or the Blueberry River Indian Band are entitled to share in the damages awarded against the Crown.

PROCEDURAL HISTORY

September 23, 1999 Federal Court of Canada, Trial Division (Hugessen J.)	Applicants excluded from class entitled to damages
March 19, 2001 Federal Court of Appeal (Richard C.J., Létourneau and Rothstein JJ.A.)	Appeals dismissed
May 18, 2001 Supreme Court of Canada	Three applications for leave to appeal filed

28540 **American International Assurance Life Company Ltd. and American Life Insurance Company - v. - Dorothy Martin (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

Commercial law - Insurance - Whether an intentional and risky act on the part of the insured should affect the liability of the insurer under a policy of accidental death insurance benefits - Whether death caused by an overdose of self-injected demerol came within the accidental death benefit provision - Whether there is a distinction between accidental means and accidental result.

PROCEDURAL HISTORY

June 10, 1999 Supreme Court of British Columbia (Josephson J.)	Respondent's action that she be entitled to payment of an accidental death benefit dismissed
February 23, 2001 Court of Appeal of British Columbia (Esson, Hollinrake, Huddart, Braidwood and Saunders JJ.A.)	Appeal allowed
April 23, 2001 Supreme Court of Canada	Application for leave to appeal filed

28630 **Jerry Van Unen - v. - Workers' Compensation Board** (B.C.) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for leave to appeal is dismissed with costs.

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

NATURE OF THE CASE

Administrative law - Judicial review - Whether a court, having found the standard of review to be "correctness" may exercise "very considerable deference" to a tribunal's decision on a pure question of law concerning the tribunal's jurisdiction - Whether all administrative tribunals should be treated equally with respect to "deference" and whether workers' compensation boards should be accorded the same level of deference as all other administrative tribunals - Whether disabled workers are entitled, under any circumstances, to be indemnified for their legal costs for claims and appeals before workers' compensation boards - Whether disabled workers are ever entitled to an oral hearing on WCB appeals - Whether An Appeal Court can decide an appeal based on a recent unpublished authority not revealed to the parties and with no opportunity provided to either party to consider and comment upon that authority's relevance prior to judgment.

PROCEDURAL HISTORY

August 5, 1999 Supreme Court of British Columbia (Bauman J.)	Applicant's petition for judicial review of six decisions of the Workers Compensation Board Appeal Division dismissed
April 6, 2001 Court of Appeal for British Columbia (McEachern C.J.B.C., Lambert and Finch JJ.A.)	Appeal dismissed

June 5, 2001
Supreme Court of Canada

Application for leave to appeal filed

28550 **Northwood Inc. - v. - Forest Practices Board** (B.C.) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for leave to appeal is dismissed with costs.

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

NATURE OF THE CASE

Administrative law - Judicial review - Whether a court, having found the applicable standard of review to be "correctness", may exercise "very considerable deference" to a tribunal's decision on a pure question of law concerning that tribunal's jurisdiction - Whether the Forest Practices Board had the jurisdiction to include in a compliance audit report observations and recommendations about a practice which did not breach the *Forest Practices Code* but which it considered contrary to sound forest management.

PROCEDURAL HISTORY

November 30, 1999
Supreme Court of British Columbia
(Brenner J.)

Applicant's petition challenging the jurisdiction of the Respondent to make proposed statements in the Compliance Audit Report, dismissed

February 28, 2001
Court of Appeal for British Columbia
(Lambert, Hall and Mackenzie JJ.A.)

Appeal dismissed

April 27, 2001
Supreme Court of Canada

Application for leave to appeal filed

28570 **Co.Dé.Ma. Consultant en Développement Maraîcher Inc. - c. - Banque Nationale du Canada et Assurance-vie Banque Nationale** (Qué.) (Civile)

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

La demande d'autorisation d'appel est rejetée avec dépens en faveur des intimées Banque Nationale du Canada et Assurance-vie Banque Nationale.

The application for leave to appeal is dismissed with costs to the respondents National Bank of Canada and National Bank Life Insurance Company.

NATURE DE LA CAUSE

Procédure — Tribunaux — Admissibilité de la preuve — Preuve de oui-dire — La Cour d'appel a-t-elle erré en droit en n'écarter pas une preuve de oui-dire? — Dans le cas où une telle preuve était admissible, cette preuve était-elle visée par les exceptions à son admissibilité définies par la Cour suprême du Canada dans l'arrêt : *Hôpital Royal Victoria et al. c. Morrow*, [1974] R.C.S. 501?

HISTORIQUE PROCÉDURAL

Le 9 décembre 1998
Cour supérieure du Québec
(Rolland j.c.s.)

Action de la demanderesse accueillie en partie : intimée « Banque Nationale du Canada » condamnée à payer à la demanderesse 100,000\$ avec intérêts et indemnité additionnelle

Le 26 février 2001
Cour d'appel du Québec
(Proulx, Dussault et Forget, jj.c.a.)

Appel accueilli ; action rejetée. Appel incident de la demanderesse rejeté

Le 27 avril 2001
Cour suprême du Canada

Demande d'autorisation d'appel déposée

28293 **Jeanette Dechant - v. - The Law Society of Alberta** (Alta.) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The motion for extension of time is granted. The application for leave to appeal and all other related ancillary motions are dismissed.

La demande de prorogation de délai est accordée. La demande d'autorisation d'appel et toutes les autres requêtes accessoires sont rejetées.

NATURE OF THE CASE

Labour law - Barristers and solicitors - Procedural law - Pre-trial procedure - Costs - Whether the test for admission of fresh evidence is relaxed where the evidence sought to be admitted was unavailable due to the refusal of an opposing party professional association to provide evidence it was under a duty to disclose - Whether the status of in-house counsel for a Law Society as a named defendant and as a co-defendant with the Law Society in a civil action commenced by a member of the Law Society whose conduct is the subject of disciplinary proceedings create a disqualifying conflict or undermine the objective role of counsel - What is the test for and scope of relevancy to be applied in determining whether a witness

can be examined under Rule 266 and 267 of the Alberta *Rules of Court* in judicial review proceedings - Issues concerning costs of an unrepresented litigant.

PROCEDURAL HISTORY

June 19, 1998 Court of Queen's Bench of Alberta (Cairns J.C.C.Q.B.A.)	Applicant's interlocutory motion for disclosure granted; interlocutory motions for examination granted in part, no examination allowed under Rule 267 and restricted examination allowed under Rule 266 of the <i>Alberta Rules of Court</i> ; no costs awarded to either party
October 6, 2000 Court of Appeal of Alberta (Conrad, McFadyen JJ.A. and Bensler J.)	Applicant's application to admit fresh evidence denied; appeal regarding Rule 266 allowed in part; appeal regarding Rule 267 dismissed
March 26, 2001 Court of Appeal of Alberta (Conrad, McFadyen JJ.A. and Bensler J.)	Appeal allowed in part; costs awarded for the privilege action in the sum of \$2,500 plus reasonable disbursements
April 17, 2001 Supreme Court of Canada	Application for leave to appeal filed
September 4, 2001 Supreme Court of Canada	Supplemental application for leave to appeal filed

28440 **RJR-MacDonald Inc. - v. - Her Majesty the Queen** (FC) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for leave to appeal is dismissed with costs.

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

NATURE OF THE CASE

Taxation - Assessment - Excise Tax - Cigarettes, tobacco, and cigars manufactured in Canada appropriated by manufacturer for manufacturer's own use - Whether delivery of products to a use of the manufacturer provided a deemed sale for purposes of excise taxation.

PROCEDURAL HISTORY

April 30, 1999 Federal Court, Trial Division (Gibson J.)	Appeal from refusal to refund excise tax paid for cigars, cigarettes and manufactured tobacco allowed
December 22, 2000 Federal Court of Appeal (Létourneau, Sexton and Malone JJ.A.)	Appeal allowed in relation to cigarettes and manufactured tobacco, dismissed in relation to cigars
February 19, 2001 Supreme Court of Canada	Application for leave to appeal filed

28515 **Jean-Marie Pelletier - c. - André Dionne - et - Jules Lévesque** (Qué.) (Civile)

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

La demande d'autorisation d'appel est rejetée. Aucune ordonnance ne sera rendue quant aux dépens.

The application for leave to appeal is dismissed. There shall be no order as to costs.

NATURE DE LA CAUSE

Procédure civile - Jugement sur requête en homologation du procès-verbal de bornage - Les instances inférieures ont-elles errés en refusant de se prononcer sur une inscription en faux incident d'un acte d'un officier public (un arpenteur-géomètre) soit de son procès-verbal de bornage déposé au dossier de la cour après une déclaration de règlement hors cour et non conforme au rapport d'arpentage?

HISTORIQUE PROCÉDURAL

Le 8 octobre 1997
Cour supérieure du Québec
(Pelletier j.c.s.)

Requête de l'intimé en homologation du procès-verbal de bornage, accueillie; requête du demandeur pour inscription en faux incident, rejetée; procès-verbal de l'arpenteur mis en cause homologué

Le 15 février 2001
Cour d'appel du Québec
(Rothman, Rousseau-Houle et Thibault jj.c.a.)

Appel rejeté

Le 17 avril 2001
Cour suprême du Canada

Demande d'autorisation d'appel déposée

28670 **Eric Juri Miglin - v. - Linda Susan Miglin** (Ont.) (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

Family law - Maintenance - Separation Agreements - Spousal support release - Former wife applying for spousal support despite having released entitlement to future support in separation agreement - Application of *Pelech* trilogy to provisions of *Divorce Act*, 1985, R.S.C. 1985, c. 3 (2nd supp.) - Procedural law - Courts - Reasonable apprehension of bias - Comments of trial judge - Whether Court of Appeal erred in declining to order new trial in light of interventions by trial judge

PROCEDURAL HISTORY

March 21, 2000
Superior Court of Justice
(Tobias J.)

Applicant ordered to pay monthly spousal support in the amount of \$4,400 for a period of five years

April 26, 2001
Court of Appeal for Ontario
(McMurtry C.J.O., Abella and Moldaver JJ.A.)

Appeal dismissed; cross-appeal allowed; order imposing
five year term on spousal support set aside

June 25, 2001
Supreme Court of Canada

Application for leave to appeal filed

27848 **Uwe Schweneke - v. - Her Majesty the Queen in the Right of Ontario, Ministry of Education, Ministry of Intergovernmental Affairs, Attorney General for Ontario, G.R. Taylor, Douglas A. Swackhammer, Graig H. Slater, Horst Intscher, Kim Twohig and Alan Wolfish** (Ont.) (Civil)

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

The application for leave to appeal is dismissed with costs.

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

NATURE OF THE CASE

Procedural Law - Issue estoppel - Whether a claim for constructive dismissal was estopped by previous findings by an Umpire adjudicating an appeal related to a claim for unemployment insurance - Whether defences to the claim for constructive dismissal were estopped by a judgment in a preliminary inquiry.

PROCEDURAL HISTORY

April 25, 1996
Superior Court of Justice
(Hoilett J.)

Motion to declare claim for constructive dismissal estopped
granted; motion to declare defences estopped dismissed

February 10, 2000
Court of Appeal for Ontario
(Feldman, Doherty, and Carthy JJ.A.)

Appeal dismissed

April 11, 2000
Supreme Court of Canada

Application for leave to appeal filed

28536 **Jocelyne Viel - c. - Commission de l'assurance-emploi** (CF) (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 du travail - Législation - Interprétation - Textes réglementaires - Assurance-emploi - Répartition de la rémunération du prestataire qui est un travailleur indépendant exerçant un emploi relié aux travaux agricoles - La demanderesse, salariée exerçant un emploi relié aux travaux agricoles, peut-elle être considérée par l'intimée comme un «travailleur indépendant exerçant un emploi relié aux travaux agricoles» au sens de la *Loi sur l'assurance-emploi*, L.C. 1996, ch. 23 et du *Règlement sur l'assurance-emploi*, DORS/96-332? - Est-ce que le revenu brut de la corporation dont la demanderesse est en partie propriétaire peut constituer de la rémunération aux fins du calcul de ses prestations?

HISTORIQUE PROCÉDURAL

Le 13 septembre 1999
Bureau du juge-arbitre
(Dubé j.)

Appel de la demanderesse rejeté

Le 9 février 2001
Cour d'appel fédérale
(Desjardins, Décary et Létourneau jj.c.a.)

Demande de contrôle judiciaire rejetée sans frais

Le 9 avril 2001
Cour suprême du Canada

Demande d'autorisation d'appel déposée

28479 **Sébastien Brousseau - v. - Barreau du Québec and Professions Tribunal** (Que.) (Civil)

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

The application for leave to appeal is dismissed with costs to the respondent Barreau du Québec.

La demande d'autorisation d'appel est rejetée avec dépens en faveur de l'intimé Barreau du Québec.

NATURE OF THE CASE

Administrative Law - Appeal - Judicial Review - Whether the Court of Appeal erred in giving a narrow interpretation to the jurisdiction of the Professions Tribunal and restricting its revisions to unreasonable error - Whether the decision of the Professions Tribunal was in any event, manifestly unreasonable - Whether the result of the Bar and Court of Appeal's decision is manifestly unreasonable in that it is incompatible with the fundamental values of rehabilitation, compassion and equality in our society.

PROCEDURAL HISTORY

June 15, 1999 Superior Court of Québec (Grenier J.)	Respondent's (Barreau du Québec) motion for judicial review of the Professions Tribunal's decision declaring the Applicant admissible to the École du Barreau for the 1997-1998 academic year, dismissed
February 1, 2001 Court of Appeal for Québec (Dussault, Nuss and Forget JJ.A.)	Appeal allowed; Motion for judicial review granted; Professions Tribunal's decision set aside; Applicant declared inadmissible to the École du Barreau for the academic year 1997-1998
March 22, 2001 Court of Appeal for Québec (Robert J.A.)	Applicant's motion to suspend the execution of the February 1, 2001 judgment allowed in part; Applicant's swearing in denied
March 28, 2001 Supreme Court of Canada	Application for leave to appeal filed

28654 **James Chamberlain, Murray Warren, Diane Wilcott, Blaine Cook, by his Guardian Ad Litem, Sue Cook and Rosamund Elwin - v. - The Board of Trustees of School District # 36 (Surrey) (B.C.) (Civil)**

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

The application for an extension of time is granted. The application for leave to appeal is granted with costs to the applicants in any event of the cause.

La demande de prorogation de délai est accordée. La demande d'autorisation d'appel est accordée avec dépens en faveur des demandeurs quelle que soit l'issue du pourvoi.

NATURE OF THE CASE

Administrative law - Jurisdiction - *Canadian Charter of Rights and Freedoms* - Equality rights- Freedom of religion - School Board refused approval of books depicting positive representations of same-sex parents for use as learning resources in kindergarten and grade one classrooms - What is the correct interpretation to be given to the statutory requirement that schools be conducted on "strictly secular and non-sectarian principles" - Whether religious views of some trustees and some parents condemning homosexuality were a legitimate basis for the School Board's decision, having regard for the requirements of the *School Act* - Whether the resolution infringes freedom of religion and expression and the guarantee of equality under the *Charter* and whether the Court of Appeal erred in failing to consider the *Charter* issues - *School Board Act*, R.S.B.C. 1996, c.416, ss.76(1)and (2).

PROCEDURAL HISTORY

December 16, 1998 Supreme Court of British Columbia (Saunders J.)	Applicants' application for an order quashing the Respondent Board's two resolutions denying approval of resources from gay and lesbian groups, granted
September 20, 2000	Appeal allowed: decision to quash one of the Respondent

Court of Appeal for British Columbia
(Esson, Mackenzie and Proudfoot JJ.A.)

Board's two resolutions ("Three Books resolution) set
aside

April 17, 2001
Court of Appeal for British Columbia
(Esson, Mackenzie and Proudfoot JJ.A.)

Order as to costs: parties to bear their own costs in Court of
Appeal and in court below

June 12, 2001
Supreme Court of Canada

Application for leave to appeal filed

28516 **Estate of Mary Theresa McCunn by Her Executor P. Donald McCunn - v. - Canadian Imperial
Bank of Commerce and Mutual Life Assurance Company of Canada** (Ont.) (Civil)

CORAM: Gonthier, Major and Binnie JJ.

The application for leave to appeal is granted with costs to the applicant in any event of the cause.

La demande d'autorisation d'appel est accordée avec dépens en faveur de la demanderesse quelle que soit l'issue
du pourvoi.

NATURE OF THE CASE

Commercial Law - Insurance - Contracts - Holder of credit line purchases life insurance to reduce or liquidate any
indebtedness under the credit line upon her death - Insurance policy states coverage terminates at age 70 - Bank continues
deducting insurance premiums beyond credit holder's 70th birthday and until her death - Applicant seeks payment under
the policy - Respondents refuse payment and Bank refunds premiums payed since credit holder's 70th birthday - Whether
continued automatic withdrawal of funds can constitute an extension of contract by conduct - Whether doctrine of waiver
applies to contractual requirements as a result of acceptance of payment.

PROCEDURAL HISTORY

June 17, 1999
Superior Court of Justice
(Chadwick J.)

Declaration contract of insurance existed

February 15, 2001
Court of Appeal for Ontario
(Catzman, Borins and Feldman [dissenting] JJ.A.)

Appeal allowed

April 17, 2001
Supreme Court of Canada

Application for leave to appeal filed

28533 **Her Majesty the Queen - v. - Steve Powley and Roddy Charles Powley** (Ont.) (Criminal)

CORAM: Gonthier, Major and Binnie JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

NATURE OF THE CASE

Criminal law - Constitutional law - Native law - Métis -Hunting rights - Two members of Sault Ste. Marie Métis community charged with unlawfully hunting moose contrary to *Game and Fish Act*, R.S.O. 1990, c. G.1 - Interpretation of *Constitution Act*, 1982, s. 35, in respect of Métis - Extent to which analysis of aboriginal rights jurisprudence applies to the Métis -Definition of Métis community - Aboriginal rights enjoyed by Métis community - Definition of the Métis individuals eligible to assert Métis community rights.

PROCEDURAL HISTORY

December 21, 1998
Ontario Court of Justice (Provincial Division)
(Vaillancourt J.)

Respondents acquitted of unlawfully hunting a moose and unlawfully possessing game hunted respectively contrary to s. 46 and 47(1) of the *Game and Fish Act*; s. 35 right established

January 19, 2000
Superior Court of Justice
(O'Neill J.)

Appeal from acquittal dismissed

February 23, 2001
Court of Appeal for Ontario
(McMurtry C.J.O., Abella and Sharpe JJ. A.)

Appeal from acquittal dismissed; stay of judgment for one year, granted

May 18, 2001
Supreme Court of Canada
(Major J.)

Application for one year extension for completing the Applicant's leave material denied

June 18, 2001
Supreme Court of Canada

Application for leave to appeal filed

28132 **Richard Anthony Sandoval-Sly - v. - Her Majesty the Queen** (B.C.) (Criminal)

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

Pursuant to Section 43 (1.1) of the *Supreme Court Act* this case is remanded to the Court of Appeal of British Columbia in order that it may reconsider, in light of Section 86 of the *Fisheries Act*, its decision that it did not have jurisdiction.

Conformément au paragraphe 43 (1.1) de la *Loi sur la Cour suprême*, la présente affaire est renvoyée à la Cour d'appel de la Colombie-Britannique pour qu'elle réexamine, à la lumière de l'art. 86 de la *Loi sur les pêches*, sa décision selon laquelle elle n'avait pas compétence.

NATURE OF THE CASE

Criminal law - Sentencing - Forfeiture - Jurisdiction - Parity of sentence between co-accused - Whether the court of appeal erred in dismissing the Applicant's sentence appeal when it held that it did not have jurisdiction to adjudicate on the trial judge's order of forfeiture under the *Fisheries Act* - Whether the trial judge erred in imposing a disparate sentence on the Applicant as compared with that imposed on his co-accused

PROCEDURAL HISTORY

January 21, 1999
Supreme Court of British Columbia
(Romilly J.)

Conviction: unlawfully fishing for and being in possession of shellfish (abalone)
Sentence: \$7,000 fine; \$700 victim fine surcharge; forfeiture of certain items; prohibition from diving for commercial fishery for two years

July 20, 2000
Court of Appeal of British Columbia
(McEachern C.J.B.C., Finch and Saunders JJ.A.)

Sentence appeal allowed to the extent of deleting the victim fine surcharge of \$700

September 29, 2000
Supreme Court of Canada

Application for leave to appeal filed

May 22, 2001
Supreme Court of Canada
(Major J.)

Motion to hold application in abeyance pending a further determination by the court of appeal on sentence dismissed

14.9.2001

Before / Devant: THE REGISTRAR

Taxation of costs

Taxation des dépens

Lorne Brown, et al.

v. (27150)

Regional Municipality of Durham Police Services Board
(Ont.)

Further to the discontinuance of the appeal filed by the appellants on October 4, 2000 and the order of the Court awarding party and party costs to the respondent Regional Municipality of Durham on January 23, 2001, the latter filed its bill of costs. The appellants filed their objections. Having reviewed the arguments advanced by the parties and the litigious items, I am taxing the costs as follows:

- Preparation of factum (Tariff of Fees, Part I, item 3(d)(i)): The Tariff provides that the amount of \$425 for the preparation of a factum “is subject to increase, in special cases, at the discretion of the Registrar.” The respondent argues that the present case is a special case in view of the late discontinuance of the appellants, eight days before the date of the hearing, and the nature of the case itself. While I agree that the discontinuance occurred very late, the Court awarded party and party costs. The registrar must exercise her discretion within the bounds set by the Tariff of Fees, however inadequate they may appear. The amount claimed by the respondent is tantamount to solicitor-client costs. However, given the late filing of the discontinuance, the amount for preparation of the factum will be set at \$ 850.
- Discontinuance (Tariff of Fees, Part I, item 3(f)): The Tariff provides that the amount of \$300 for the discontinuance “is subject to increase, in special cases, at the discretion of the Registrar.” Consistent with my determination above, the amount for the discontinuance will be set at \$1200.
- Hearing of the appeal (Tariff of Fees, Part I, item 3(g)): As no hearing was held, the amount is taxed off.
- Disbursements: The amount claimed for printing charges (\$26549.97) is allowed. The agency fee is set at \$ 300 as per item 4(c). The following items which are considered to be items of general law firm overhead expenses are taxed off: Library charges (\$32), Computer Research (\$17.78), Canada Law Book (\$56.16).

The Bill of Costs is taxed accordingly.

À la suite du désistement déposé par les appelants le 4 octobre 2000 et de l'ordonnance de la Cour ayant accordé les dépens entre parties à l'intimée Regional Municipality of Durham le 23 janvier 2001, cette dernière a produit son mémoire de frais. Les appelants ont déposé leur contestation. Après examen des postes litigieux et des arguments avancés par les parties, j'établis la taxation suivante :

- Rédaction du mémoire (Tarif d'honoraires, partie I, poste 3d)(i) : Le tarif précise que la somme de 425 \$ prévue pour la rédaction du mémoire « peut faire l'objet d'une augmentation dans des circonstances spéciales, à la discrétion du registraire ». L'intimée prétend que nous sommes en présence de circonstances spéciales en raison du désistement tardif des appelants, soit huit jours avant la date de l'audience, et de la nature de l'affaire

elle-même. Bien que le désistement soit, j'en conviens, survenu très tardivement, la Cour a accordé les dépens entre parties. Le registraire doit exercer son pouvoir discrétionnaire dans les limites établies par le Tarif d'honoraires, aussi inadéquates qu'elles puissent paraître. La somme réclamée par l'intimée correspond aux dépens procureur-client. Toutefois, vu le dépôt tardif du désistement, la somme allouée pour la rédaction du mémoire est fixée à 850 \$.

- Désistement (Tarif d'honoraires, partie I, poste 3f) : Le tarif prévoit que la somme de 300 \$ fixée pour le désistement « peut faire l'objet d'une augmentation dans des circonstances spéciales, à la discrétion du registraire ». Conformément à la décision qui précède, la somme allouée pour le désistement est fixée à 1 200 \$.
- Audition de l'appel (Tarif d'honoraires, partie I, poste 3g) : Comme il n'y a pas eu d'audition, la somme réclamée n'est pas taxée.
- Débours : La somme réclamée pour les frais d'impression (26 549,97 \$) est accordée. Les honoraires du correspondant sont fixés à 300 \$, conformément au poste 4c). Les postes de réclamation suivants ne sont pas taxés car ils ont trait aux frais généraux du cabinet d'avocats : Frais de bibliothèque (32 \$), recherches par ordinateur (17,78 \$), Canada Law Book (56,16 \$).

Le mémoire de frais est taxé en conséquence.

20.9.2001

Before / Devant: ARBOUR J.

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

Requête en prorogation du délai de signification et de dépôt de la demande d'autorisation

Jerome Morin

v. (28749)

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

GRANTED / ACCORDÉE Time extended to August 24, 2001.

25.9.2001

Before / Devant: ARBOUR J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Société Radio-Canada, La Presse Ltée,
3834310 Canada Inc., Groupe
Transcontinental G.T.C. Ltée et
Fédération professionnelle des journalistes
du Québec

IN/DANS: André Prud'homme, et al.

c. (28117)

Fernand Prud'homme (Qué.)

GRANTED / ACCORDÉE

À LA SUITE D'UNE DEMANDE de la Société Radio-Canada, La Presse Ltée, 3834310 Canada Inc., Groupe Transcontinental G.T.C. Ltée et Fédération professionnelle des journalistes du Québec visant à obtenir l'autorisation d'intervenir dans l'appel susmentionné;

ET APRÈS AVOIR LU la documentation déposée;

L'ORDONNANCE SUIVANTE EST RENDUE;

La demande d'autorisation d'intervenir présentée par la Société Radio-Canada, La Presse Ltée, 3834310 Canada Inc., Groupe Transcontinental G.T.C. Ltée et Fédération professionnelle des journalistes du Québec est accueillie; les requérantes auront le droit de signifier et déposer un mémoire conjoint de 20 pages tout au plus.

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

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

25.9.2001

Before / Devant: THE DEPUTY REGISTRAR

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

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

Family Insurance Corporation

v. (28093)

Lombard Canada Ltd. (B.C.)

GRANTED / ACCORDÉE Time extended to September 19, 2001.

26.9.2001

Before / Devant: L'HEUREUX-DUBÉ J.

Further order on motion for leave to intervene

Autre ordonnance sur une requête en autorisation d'intervention

BY/PAR: International Fund for Animal Welfare Inc.

IN/DANS: Her Majesty the Queen

v. (27717)

Ford Ward (Nfld.)

GRANTED / ACCORDÉE

UPON APPLICATION by the International Fund for Animal Welfare Inc. for leave to intervene in the above appeal and pursuant to the order of November 10, 2000;

IT IS HEREBY FURTHER ORDERED THAT the said intervener is granted permission to present oral argument not exceeding 15 minutes at the hearing of the appeal.

26.9.2001

Before / Devant: L'HEUREUX-DUBÉ J.

Further order on motion for leave to intervene

Autre ordonnance sur une requête en autorisation d'intervention

BY/PAR: Canadian Labour Congress

IN/DANS: Patrick Berry, et al.

v. (27992)

Chris Pulley, et al. (Ont.)

GRANTED / ACCORDÉE

UPON APPLICATION by the Canadian Labour Congress for leave to intervene in the above appeal and pursuant to the order of June 1, 2001;

IT IS HEREBY FURTHER ORDERED THAT the said intervener is granted permission to present oral argument not exceeding 15 minutes at the hearing of the appeal.

27.9.2001

Before / Devant: THE DEPUTY REGISTRAR

Miscellaneous motion

Autre requête

Jacques Laurendeau

c. (28751)

Université Laval (Qué.)

GRANTED / ACCORDÉE La requête du demandeur pour être dispensé de suivre les règles et de payer les frais de Cour est accordée.

27.9.2001

Before / Devant: ARBOUR J.

Miscellaneous motion

Autre requête

Her Majesty the Queen

v. (28717)

Joe Markevich (F.C.)

GRANTED / ACCORDÉE The motion for an order granting the applicant leave to file the supplementary affidavit of Rémi Coté in support of her application for leave to appeal is granted.

28.9.2001

Before / Devant: THE REGISTRAR

Motion to extend the time in which to serve and file the factum of the intervener the Attorney General for Ontario

Requête en prorogation du délai imparti pour signifier et déposer le mémoire de l'intervenant le Procureur général de l'Ontario

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 Time extended to September 19, 2001.

1.10.2001

Before / Devant: ARBOUR J.

Miscellaneous motion

Autre requête

CIBC Mortgage Corporation

c. (27963)

Marcella Vasquez (Qué.)

DISMISSED WITHOUT COSTS / REJETÉE SANS DÉPENS

L'intimée sollicite une ordonnance à l'encontre de l'appelante et de l'intervenante, « les condamnant solidairement au paiement d'une somme de 20 000 \$ à l'intimée...pour les frais et débours judiciaires et honoraires extrajudiciaires encourus et à venir de l'intimée ». Au soutien de sa requête, l'intimée dépose un projet de facture aussi que l'affidavit de Me Charland, procureur de l'intimée.

L'appel porte sur une question de droit dans un recours hypothécaire et il ne fait aucun doute que l'intérêt de l'appelante et de l'intervenante dépasse les cadres du présent pourvoi. Par ailleurs, il est également probable que les moyens financiers des parties soient disproportionnés.

L'intervenante s'oppose à la requête, avec raison. Sa responsabilité n'est engagée qu'à l'égard des débours supplémentaires occasionnés par son intervention et il n'y a aucun fondement à une condamnation solidaire telle qu'envisagée par la requête.

La requête contre l'appelante doit également être rejetée. Elle n'est accompagnée d'aucun affidavit de l'intimée. Son procureur, par contre, fait état du défaut de collaboration de l'intimée quant aux paiements requis par ses avocats. Le manque de coopération de l'intimée, qui n'est par ailleurs pas expliqué par elle, n'autorise pas ses procureurs à obtenir prématurément de l'appelante un paiement de frais qui relève du pouvoir discrétionnaire de la Cour à l'issue du pourvoi.

La requête est donc rejetée, sans frais.

1.10.2001

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

VIDEO CONFERENCE / VIDÉO CONFÉRENCE - EDMONTON

Motion to quash

David Lloyd Neil

v. (28282)

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

Requête en annulation

James A. Bowron (Edmonton) for the motion.

Nathan J. Whitling and Matthew I. Milne-Smith for the appellant.

DISMISSED / REJETÉE

THE CHIEF JUSTICE (orally):

The Court is all of the view that the motion to quash the notice of appeal must be dismissed.

La Cour est d'avis de rejeter la requête en annulation de l'avis d'appel.

1.10.2001

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

Motion to quash

Sylvain Prud'homme

c. (28679)

Sa Majesté la Reine (Crim.)(Qué.)

Requête en annulation

Me Mario Longpré pour la requête.

Me Marco Gravel pour l'appellant.

GRANTED / ACCORDÉE

LE JUGE EN CHEF (oralement au nom de la Cour):

La Cour accueille la demande d'annulation d'appel et déclare nul l'avis d'appel de plein droit.

The Court grants the application to quash the appeal and declares the notice of appeal as of right to be null and void.

**NOTICE OF APPEAL FILED SINCE
LAST ISSUE**

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

25.9.2001

Bank of Montreal

v. (28607)

**Ernst & Young Inc., in its capacity as Receiver and
Manager of 373409 Alberta Ltd., et al. (Alta.)**

(leave)

28.9.2001

Thomas Robert Zinck

v. (28367)

Her Majesty the Queen (N.B.)

(leave)

**NOTICE OF DISCONTINUANCE
FILED SINCE LAST ISSUE**

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

27.9.2001

Jermaine Johnson

v. (28549)

Her Majesty the Queen (Ont.)

(leave)

**APPEALS HEARD SINCE LAST ISSUE
AND DISPOSITION**

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

2.10.2001

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

Clément Mukoko Mbaka Mankwe

c. (27791)

Sa Majesté la Reine (Qué.)(Criminelle)(Autorisation)

Pascal Lescarbeau et Gabriela Vragovic pour l'appelant.

Marie Chen and Sheena Scott for the interveners African Canadian Legal Clinic, et al.

Stella Gabbino et Manon Ouimet pour l'intimée.

ALLOWED / ACCUEILLI

LE JUGE EN CHEF (oralement):

Vu la concession faite par la couronne quant aux premiers motifs d'appel, nous sommes tous d'accord d'accueillir l'appel et d'ordonner un nouveau procès sur les accusations telles que portées contre l'accusé.

Nature of the case:

Criminal law - Trial - Procedure - Challenge for cause - Racial prejudice - Did the Court of Appeal err in deciding that the Appellant did not establish that there was judicial notice of a real possibility of prejudice in the community against persons of black race? - Did the Court of Appeal err in deciding that the Appellant did not show that he was denied the right to retain and instruct counsel pursuant to paragraph 10(b) of the *Canadian Charter of Rights and Freedoms* and that consequently the evidence obtained following the alleged violation of that right did not have to be excluded under subsection 24(2) of the *Charter*?

THE CHIEF JUSTICE (orally):

In view of the Crown's concession with respect to the first grounds of appeal, we would all allow the appeal and order a new trial on the charges as laid against the accused.

Nature de la cause:

Droit criminel - Procès - Procédure - Récusation motivée - Préjugés raciaux - La Cour d'appel a-t-elle fait une erreur en décidant que l'appelant n'a pas établi, par le biais de la connaissance d'office, l'existence de possibilité réaliste de préjugés dans la communauté à l'encontre des personnes de race noire ? - La Cour d'appel a-t-elle fait une erreur en décidant que l'appelant n'a pas démontré qu'il n'avait pas eu droit à l'assistance d'un avocat conformément à l'article 10(b) de la *Charte canadienne des droits et libertés* et que, conséquemment, la preuve obtenue à la suite de cette violation n'avait pas à être exclue en vertu du par. 24(2) de la *Charte* ?

2.10.2001

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

Paul Housen

v. (27826)

**Rural Municipality of Shellbrook No. 493
(Sask.)(Civil)(By Leave)
RESERVED / EN DÉLIBÉRÉ**

Gary D. Young, Q.C., Denis I. Quon and M. Kim Anderson for the appellant.

Michael Morris and G.L. Gerrand, Q.C. for the respondent.

Nature of the case:

Torts - Motor vehicles - Highways - Municipal law -

Negligence - Liability of rural municipality for failing to post warning signs on local access road - Whether rural municipality has a statutory or common law duty of care to mark hidden hazards with a road sign where nature and extent of hazards are not apparent to a motorist exercising reasonable care - Whether a rural municipality, having made a policy decision to place warning signs of hazards, breached its duty of care to protect those using its roads by failing to implement the policy.

Nature de la cause:

Délits - Véhicules automobiles - Voies publiques - Droit municipal - Négligence - Responsabilité d'une municipalité rurale pour défaut d'installer des panneaux d'avertissement sur un chemin d'accès local - La municipalité rurale a-t-elle, en vertu de la loi ou de la common law, une obligation de diligence de signaler les dangers cachés au moyen d'un panneau de signalisation lorsqu'un automobiliste raisonnablement prudent ne peut percevoir la nature et l'ampleur d'un danger? - Une municipalité rurale qui a pris la décision de politique d'installer des panneaux d'avertissement signalant les dangers a-t-elle manqué à son obligation de diligence de protéger les usagers de ses routes en ne mettant pas cette politique en oeuvre?

3.10.2001

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

Roger Guignard

Daniel Payette pour l'appelant.

c. (27704)

Ville de Saint-Hyacinthe (Qué.)(Civile)(Autorisation)

Stéphane Forest pour l'intimée.

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

*Canadian Charter of Rights and Freedoms - Civil - Public freedoms - Freedom of expression - Municipal by-law - Advertising sign - "Counter-advertising" - Whether lower courts erred in law in concluding that s. 14.1.5(p) of the *Règlement de zonage de la Ville de Saint-Hyacinthe* constituted a justifiable violation of the Appellant's freedom of expression, as a consumer and for "counter-advertising"?*

Nature de la cause:

*Charte canadienne des droits et libertés - Civil - Libertés publiques - Liberté d'expression - Règlement municipal - Enseigne publicitaire - « Contre-publicité » - Les juridictions inférieures ont-elles fait une erreur de droit en concluant que l'art. 14.1.5p) du *Règlement de zonage de la Ville de Saint-Hyacinthe* constituait une violation justifiée de la liberté d'expression de l'appelant, à titre de consommateur et au moyen de « contre-publicité »?*

3.10.2001

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

Dr. Stanley Fred Morrill

v. (27891)

Mervyn Dudley Krangle, et al. (B.C.)(Civil)(By Leave)

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

Torts - Statutes - Interpretation - Damages - Wrongful birth - Contingency damages awarded in the event that the state would not assume financial responsibility for care after age of majority reached - Legislative amendments subsequent to trial extending the definition of "child" - Whether Court of Appeal could consider new definition in assessing the adult plaintiffs' damage award - Whether adult plaintiffs have a legal obligation to provide for child's support beyond the age of 19 - Whether Court of Appeal erred in law in holding that the contingency award made at trial did not adequately address the contingency that the plaintiffs may have a legal obligation to pay for the care after the age of 19.

Christopher E. Hinkson, Q.C. and Raj Samtani for the appellant.

John N. Laxton, Q.C. and Robert D. Gibbens for the respondents.

Nature de la cause:

Délits - Lois - Interprétation - Dommages-intérêts - Faute à la naissance - Dommages-intérêts pour perte éventuelle accordés dans le cas où l'État n'assumerait pas la responsabilité financière des soins après l'âge de la majorité - Des modifications législatives postérieures à l'instruction ont étendu la portée de la définition du terme « enfant » - La Cour d'appel pouvait-elle tenir compte de la nouvelle définition pour évaluer la demande de dommages-intérêts des demandeurs adultes? - Les demandeurs adultes ont-ils l'obligation juridique de subvenir aux besoins de l'enfant au-delà de l'âge de 19 ans? - La Cour d'appel a-t-elle erré en droit en statuant que les dommages-intérêts pour perte éventuelle accordés en première instance ne compensaient pas adéquatement la possibilité que les demandeurs puissent avoir l'obligation juridique de payer les soins après l'âge de 19 ans?

4.10.2001

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

Ka Lam Law, et al.

c. (27870)

**Sa Majesté la Reine (N.-B.) (Criminelle)
(Autorisation)**

RESERVED / EN DÉLIBÉRÉ

Éric J. Doiron et Michel C. Léger pour les appelants.

Bernard Laprade et François Lacasse pour l'intimée.

W. Graeme Cameron for the intervener the Attorney General for Ontario.

Nature of the case:

Canadian Charter of Rights and Freedoms - Criminal law - Summary conviction - Stolen property - Privacy - Production of evidence - Motion by the Respondent to have photocopies of documents found in a stolen safe entered as incriminating evidence in a prosecution under the *Excise Tax Act*, R.S.C., 1985, c. E-15 - Evidence unrelated to the investigation of the theft - Was evidence obtained in an abusive manner that would bring the administration of justice into disrepute?

Nature de la cause:

Charte canadienne des droits et libertés - Droit criminel - Déclaration de culpabilité par procédure sommaire - Biens volés - Vie privée - Administration de la preuve - Requête de l'intimée demandant que les photocopies des documents trouvés dans un coffre-fort volé soient admises en preuve devant le tribunal à titre de pièce à conviction dans le cadre d'une poursuite en vertu de la *Loi sur la taxe d'accise*, L.R.C., 1985, c. E-15 - Preuve non reliée à l'enquête sur le crime de vol - La preuve a-t-elle été obtenue de façon abusive et déconsidère-t-elle l'administration de la justice?

DEADLINES: MOTIONS

DÉLAIS: REQUÊTES

BEFORE THE COURT:

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

Motion day : November 5, 2001

Service : October 12, 2001

Filing : October 19, 2001

Respondent : October 26, 2001

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 : 5 novembre 2001

Signification : 12 octobre 2001

Dépôt : 19 octobre 2001

Intimé : 26 octobre 2001

Audience du : 3 décembre 2001

Signification : 9 novembre 2001

Dépôt : 16 novembre 2001

Intimé : 23 novembre 2001

DEADLINES: APPEALS

DÉLAIS: APPELS

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.

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
						1
2	M 3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
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
20	21	22	23	24	25	26
27	28	29	30	31		

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

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

MAY - MAI						
S D	M L	T M	W M	T J	F V	S S
			1	2	3	4
5	6	7	8	9	10	11
12	M 13	14	15	16	17	18
19	H 20	21	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	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