

**SUPREME COURT  
OF CANADA**



**COUR SUPRÊME  
DU CANADA**

**BULLETIN OF  
PROCEEDINGS**

**BULLETIN DES  
PROCÉDURES**

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**APPLICATIONS FOR LEAVE TO  
APPEAL FILED**

**Association provinciale des enseignants et  
enseignantes du Québec, et autre**

Pierre E. Moreau  
Rivest Schmidt

v. (29326)

**Conseil des services essentiels (Qué.)**

François Aquin

DATE DE PRODUCTION 20.8.2002

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**Kevin Joseph Simmonds**

Letitia Sears  
Wilson & Buck

v. (29315)

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

William F. Ehrcke, Q.C.  
A.G. of British Columbia

FILING DATE 22.8.2002

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**Vincent Bruce Redd**

Peter J. Wilson, Q.C.  
Wilson & Buck

v. (29319)

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

Galvin C. Deedman  
A.G. of British Columbia

FILING DATE 23.8.2002

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**Association of Architectural Technologists of  
Ontario**

Leon J. Melconian  
Melconian Law Office

v. (29318)

**Ontario Association of Architects (F.C.)**

Glen A. Bloom  
Osler, Hoskin & Harcourt

FILING DATE 26.8.2002

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**The Law Society of Upper Canada**

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

R. Scott Jolliffe  
Gowling Lafleur Henderson

v. (29320)

**CCH Canadian Limited, et al. (F.C.)**

Roger T. Hughes, Q.C.  
Sim, Hughes, Ashton & McKay

FILING DATE 27.8.2002

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**The City of Calgary**

Leila J. Gosselin  
City of Calgary

v. (29321)

**The United Taxi Drivers' Fellowship of Southern  
Alberta, et al. (Alta.)**

R. Craig Steele  
Borden Ladner Gervais

FILING DATE 27.8.2002

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**SEPTEMBER 3, 2002 / LE 3 SEPTEMBRE 2002**

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

**Raymond Arcand**

**c. (28916)**

**Municipalité de Deschambault (Qué.)**

**NATURE DE LA CAUSE**

Droit municipal - Règlement municipal - Infraction continue - Les infractions étaient-elles continues? - Le délai entre le dépôt des premières plaintes le 18 septembre 1996 et la délivrance du jugement le 27 février 1998 était-il déraisonnable? - La Cour d'appel aurait-elle dû conclure qu'une amende de près de 20 000\$ pour une première infraction à un règlement municipal n'est pas abusive parce que le demandeur avait refusé des offres de règlement?

**HISTORIQUE PROCÉDURAL**

Le 27 février 1998 Cour municipale de Donnacona (Fournier j.c.m.)	Demandeur reconnu coupable sur 38 constats d'infraction
Le 6 août 1999 Cour supérieure du Québec (Tremblay j.c.s.)	Appel rejeté
Le 11 septembre 2001 Cour d'appel du Québec (Beaudouin, Rousseau-Houle et Robert, jj.c.a.)	Appel rejeté
Le 13 novembre 2001 Cour suprême du Canada	Demande d'autorisation d'appel déposée

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**The Administrator of the Motor Vehicle Accident Claims Fund on Behalf of Slade Curtis Flahr**

**v. (29103)**

**Janith Chipiuk, Gord Lyall, Janith Chipiuk and Gord Lyall  
operating as GJ's Ranch and GJ's Recreation Ranch (Alta.)**

**NATURE OF THE CASE**

Torts - Motor vehicles - Damages - Whether consent to the possession of a motor vehicle on a highway, once given, can be terminated, restricted or limited based upon the use of the vehicle - Whether the Courts of Appeal for Alberta and Ontario have developed conflicting and inconsistent approaches to this issue - Whether the Court of Appeal erred in law in finding that consent to possession of a vehicle on a highway, can be terminated, based upon the use of the vehicle, thereby absolving the owner of the vehicle from liability for a motor vehicle accident - Whether the Court of Appeal erred

in law in concluding that the court must determine consent at the time of the accident and not at the time when consent is granted.

**PROCEDURAL HISTORY**

July 25, 2000 Court of Queen's Bench of Alberta (Lee J.C.Q.B.A.)	Plaintiff, Sharon Robinson's action against the respondents, relating to motor vehicle accident, dismissed
January 11, 2002 Court of Appeal of Alberta (Côté, Russell and Costigan JJ.A.)	Applicant's appeal dismissed
March 8, 2002 Supreme Court of Canada	Application for leave to appeal filed

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

**Keyvan Nourhaghighi**

**v. (26982)**

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

**NATURE OF THE CASE**

Criminal law - Contempt of court - Whether fairness and impartiality is both subjectively and objectively demonstrated in the circumstances of this case - Whether the finding of contempt of court by the trial judge was influenced by the Applicant's complaint against him to the Ontario Judicial Council - Whether there was an abuse of process and judiciary power - Whether the common law logic for justifying the contempt in the face of the court and instant sentence is justifiable under ss. 1, 7, 9, 10, 11(d), 12, 14 and 15 of the *Canadian Charter of Rights and Freedoms*

**PROCEDURAL HISTORY**

December 11, 1996 Ontario Court of Justice (Lampkin J.)	Applicant convicted of contempt of court contrary to s. 9 of the <i>Criminal Code</i> ; sentenced to 15 days in jail
September 22, 1998 Court of Appeal for Ontario (Osborne, Laskin and Goudge JJ.A.)	Appeal against conviction and sentence dismissed
May 14, 2002 Supreme Court of Canada	Motion for extension of time and application for leave to appeal filed

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**Attorney General of Ontario**

**v. (29079)**

**Father Albert Desrochers and The Order of Les Pères Servites de Marie de Québec (Ont.)**

**NATURE OF THE CASE**

Crown law - Ministers of Crown - Whether Attorney General owes a fiduciary duty to victims in the exercise of prosecutorial discretion - Whether breaches of fiduciary duty give rise to rights of contribution under the *Negligence Act*, R.S.O. 1990, c. N.1 - Torts - Misfeasance in public office - Whether tortfeasor and Attorney General are concurrent tortfeasors causing the “same damage” pursuant to s. 1 of the *Negligence Act* - Whether the illegality defence bars third party claims

**PROCEDURAL HISTORY**

December 28, 2000  
Ontario Superior Court of Justice  
(McKinnon J.)

Motion to strike out third party claims against the Applicant granted

November 23, 2001  
Court of Appeal for Ontario  
(Carthy, Goudge and Cronk JJ.A.)

Respondents’ appeals allowed; Applicant’s cross-appeal dismissed

February 7, 2002  
Supreme Court of Canada

Application for leave to appeal and motion to extend time filed

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**Dr. André Touchburn, Dr. Frank Lord, Dr. Clovis Eid and Dr. Benoît Grenier**

**v. (29157)**

**Henry Joseph O'Brien, The Attorney General of Canada,  
representing Her Majesty the Queen and Myles Trenholm (N.S.)**

**NATURE OF THE CASE**

Procedural law - Actions - Civil Procedure - Courts - Pre-trial procedure - Jurisdiction - *Forum Conveniens* - Application of the “real and substantial connection” test - Which province has jurisdiction to hear an action - Whether there was a real and substantial connection between the cause of action and the domestic forum - Whether the lower courts erred in the application of the relevant legal principles - Whether the conflict in the caselaw requires resolution.

**PROCEDURAL HISTORY**

October 12, 2001  
Supreme Court of Nova Scotia  
(Wright J.)

Applicants’ application for an order setting aside the Respondent’s Henry Joseph O'Brien originating notice dismissed; Nova Scotia has jurisdiction and is the *forum conveniens*

February 8, 2002  
Nova Scotia Court of Appeal

Appeal from interlocutory judgment dismissed

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(Saunders, Hallett and Hamilton JJ.A.)

April 9, 2002  
Supreme Court of Canada

Application for leave to appeal filed

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

**Gulf International Bank**

**c. (28888)**

**Morgan Bank of Canada, The Toronto Dominion Bank, Deutsche Bank (Canada), Christiana Bank, Fuji Bank  
Canada et La Caisse centrale Desjardins du Québec**

- et -

**Price Waterhouse Limited et Gilles M. Tremblay (Qué.)**

**NATURE DE LA CAUSE**

Droit commercial - Banques / opération bancaires - Créancier et débiteur - Obligation de renseignement - Contrôle effectif - Quels sont les critères permettant de déterminer si une banque exerce le contrôle effectif d'un débiteur? - Une banque qui exerce le contrôle effectif de son débiteur a-t-elle l'obligation de renseigner les autres créanciers de la situation réelle du débiteur, selon les principes énoncés dans l'arrêt *Banque de Montréal c. Bail Ltée*, [1992] 2 R.C.S. 554? - Une banque qui décide de cesser le financement de son débiteur doit-elle exercer ce droit de façon à ne pas nuire aux autres créanciers, compte tenu de l'obligation générale de bonne foi envers les tiers?

**HISTORIQUE PROCÉDURAL**

Le 16 avril 1998  
Cour supérieure du Québec  
(Nolin j.c.s.)

Action en dommages-intérêts de la demanderesse  
accueillie

Le 6 septembre 2001  
Cour d'appel du Québec  
(Beauregard, Rothman et Otis jj.c.a.)

Appel accueilli; jugement de première instance réformé;  
action rejetée

Le 2 novembre 2001  
Cour suprême du Canada

Demande d'autorisation d'appel déposée

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**Ralph Christensen**

**v. (29139)**

**Lorraine Sinclair, Raymond March, Royal Columbian Hospital, operated by  
Fraser-Burrard Hospital Society, and the said Fraser-Burrard Hospital Society (B.C.)**

**NATURE OF THE CASE**

Procedural law – Civil procedure – Pre-trial procedure – Action alleging physician’s negligence – Non-party physician treating plaintiff subsequent to events giving rise to action – Non-party physician ordered to attend for pre-trial examination pursuant to rules of civil procedure – Non-party physician refusing to provide expert opinion concerning standard of care and whether that standard had been breached by defendant physician – Whether Court of Appeal erred in finding non-party experts compelled to provide previously formed opinions, subject to issues of legal professional privilege – Rule 28(1), *Supreme Court Rules*, B.C. Reg. 221/90.

**PROCEDURAL HISTORY**

January 16, 2001  
Supreme Court of British Columbia  
(Dillon J.)

Application allowed, in part; applicant ordered to attend pre-trial examination and answer questions, pursuant to Rule 28 of the British Columbia *Supreme Court Rules*

January 31, 2002  
Court of Appeal of British Columbia  
(Finch C.J.B.C., Donald and Braidwood JJ.A.)

Appeal dismissed

March 25, 2002  
Supreme Court of Canada

Application for leave to appeal filed

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**JUDGMENTS ON APPLICATIONS  
FOR LEAVE**

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

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SEPTEMBER 5, 2002 / LE 5 SEPTEMBRE 2002

**29088**                    **Myer Herzig and David Martin v. Her Majesty the Queen in Right of Canada as represented by Treasury Board** (FC) (Civil)

Coram:                    Gonthier, Major and LeBel JJ.

The application for leave to appeal from the judgment of the Federal Court of Appeal, Number A-94-01, dated January 28, 2002, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro A-94-01, daté du 28 janvier 2002, est rejetée avec dépens.

**NATURE OF THE CASE**

Administrative law - Judicial review - Prerogative writs - *Mandamus* - *Certiorari* - Whether the Court of Appeal has set the standard for finding that there is an apprehension of bias at an unattainable level in respect of the Nominee's conduct in the Classification Grievance Procedure? - Whether the Court of Appeal failed to apply the basic tenets of an adjudicator being *functus* as enunciated in *Chandler v. Alberta Association of Architects* [1989] 2 S.C.R. 848, in respect of the Nominee's approval of the Committee report on August 24, 1999 and the Nominee's decision of January 11, 2000?

**PROCEDURAL HISTORY**

February 7, 2001 Federal Court of Canada, Trial Division (McKeown J.)	Application for writ of <i>certiorari</i> and writ of <i>mandamus</i> ordering the Respondent to reclassify applicants' positions from PM-06 to LA-02 dismissed
January 28, 2002 Federal Court of Appeal (Stone, Evans and Malone JJ.A.)	Appeal dismissed
February 15, 2002 Supreme Court of Canada	Application for leave to appeal filed

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**29036**                    **Her Majesty the Queen, Province of Saskatchewan as Represented by the Minister of Finance v. Canadian Broadcasting Corporation** (Sask.) (Civil)

Coram:                    Gonthier, Major and LeBel JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Saskatchewan, Number CA 3061A, dated December 4, 2001, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Saskatchewan, numéro CA 3061A, daté du 4 décembre 2001, est rejetée avec dépens.

**NATURE OF THE CASE**

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Taxation - Assessment - Provincial Minister of Finance making estimate of tax payable by CBC under *The Education and Health Tax Act*, R.S.S. 1978, c. E-3, on telecommunication services acquired from Telesat - Board of Revenue Commissioners and Queen's Bench affirming taxes - Court of Appeal allowing appeal in part - Whether Court of Appeal's decision interprets power of tax administrators to estimate a taxpayer's tax liability in a manner inconsistent with decisions of other courts.

**PROCEDURAL HISTORY**

May 6, 1997 Board of Revenue Commissioners (McNamee, Chairman)	Respondent's appeal dismissed
July 10, 1998 Court of Queen's Bench for Saskatchewan (Barclay J.)	Appeal dismissed
December 4, 2001 Court of Appeal for Saskatchewan (Cameron, Gerwing and Sherstobitoff JJ.A.)	Appeal allowed in part
January 28, 2002 Supreme Court of Canada	Application for leave to appeal filed

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**28998**      **Con Steel Ltd., Roland DiFlorio, Guiseppe Bertolo and Lucia Grazia DiFlorio v. Rocca Steel Limited** (Ont.) (Civil)

Coram:      Gonthier, Major and LeBel JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C33866, dated December 13, 2001, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C33866, daté du 13 décembre 2001, est rejetée avec dépens.

**NATURE OF THE CASE**

Torts - Damages - Breach of fiduciary duty - Is it sufficient in an action for damages for breach of fiduciary duty for an employer to show no specific solicitation of a customer by a former employee but only a general solicitation.

**PROCEDURAL HISTORY**

February 9, 2000 Ontario Superior Court of Justice (Wilson J.)	Respondent Rocca Steel Limited awarded damages of \$250,000 for breach of fiduciary duty by Applicants
December 13, 2001 Court of Appeal for Ontario (Doherty, Weiler and Feldman JJ.A.)	Appeal dismissed
February 8, 2002 Supreme Court of Canada	Application for leave to appeal filed

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**29109**            **Erling Marvin Olsen v. Her Majesty the Queen** (F.C.A.) (Civil)

Coram:            Gonthier, Major and LeBel JJ.

The application for leave to appeal from the judgment of the Federal Court of Appeal, Number A-421-00, dated January 14, 2002, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro A-421-00, daté du 14 janvier 2002, est rejetée avec dépens.

**NATURE OF THE CASE**

Statutes - Statutory Interpretation - Principles of statutory interpretation - Whether Federal Court of Appeal erred in incorporating a reference to subsection 186(2) of *Income Tax Act* for purposes of subsection 84.1(1); Whether Federal Court of Appeal did not properly apply interpretative rules; Impact of decision on investors in small businesses.

**PROCEDURAL HISTORY**

May 17, 2000 Tax Court of Canada (O'Connor J.)	Appeal from reassessments for 1993 and 1994 taxation years allowed, referred back to Minister for reconsideration
January 14, 2002 Federal Court of Appeal (Rothstein, Noël and Malone JJ.A.)	Appeal and cross-appeal allowed, reassessments referred back to Minister for reconsideration based on fair market value
March 11, 2002 Supreme Court of Canada	Application for leave to appeal filed

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**29085**            **Keyvan Nourhaghghi v. Her Majesty the Queen** (Ont.) (Criminal)

Coram:            Gonthier, Major and LeBel JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C30823, dated December 17, 2001, is dismissed.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C30823, daté du 17 décembre 2001, est rejetée.

**NATURE OF THE CASE**

*Canadian Charter - Criminal* - Criminal Law - Whether fairness and impartiality is both subjectively and objectively demonstrated in the circumstances of this case - Whether ss.1, 7, 11(d), 12 or 14 *Charter* infringed - Threshold of the judiciary immunity when torts rise by judges - Whether refusing leave in the circumstances would perpetuate an injustice.

**PROCEDURAL HISTORY**

November 19, 1997	Applicant convicted of assault contrary to section 813 (a)(i)
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Ontario Court (Provincial Division)  
(Lampkin J.)

of the *Criminal Code* and fined \$600

June 18, 1998  
Ontario Court of Justice  
(McRae J.)

Appeal from conviction and sentence dismissed

December 17, 2001  
Court of Appeal for Ontario  
(McMurtry C.J., Rosenberg and MacPherson  
J.J.A.)

Appeal dismissed

February 15, 2002  
Supreme Court of Canada

Application for leave to appeal filed

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**28994**      **Richard Doyle and Wilfred Doyle v. Theresa MacDonald, Brian Mullin, William MacDougall and Catherine MacDougall** (P.E.I.) (Civil)

Coram:      Gonthier, Major and LeBel JJ.

The application for leave to appeal from the judgment of the Supreme Court of Prince Edward Island, Appeal Division, Number AD-0843, dated September 21, 2001, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour suprême de l'Île-du-Prince-Édouard, Cour d'appel, numéro AD-0843, daté du 21 septembre 2001, est rejetée avec dépens.

**NATURE OF THE CASE**

Property law - Real property - Boundary dispute - Location of boundary line - Metes and bounds description conflicting with occupation and use of property - Whether trial judge erred in finding that extrinsic evidence was required to determine boundary line dividing lands in question.

**PROCEDURAL HISTORY**

June 30, 1999  
Prince Edward Island Supreme Court, Trial Division  
(Webber J.)

Applicants' action dismissed

September 21, 2001  
Prince Edward Island Supreme Court  
Appeal Division  
(McQuaid, Campbell and Carruthers J.J.A.)

Appeal dismissed

November 20, 2001  
Supreme Court of Canada

Application for leave to appeal filed

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**29145**      **The Corporation of the City of Hamilton v. Her Majesty the Queen in Right of Ontario (Ministry of Labour)** (Ont.) (Civil)

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Coram: Gonthier, Major and LeBel JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C35814, dated January 29, 2002, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C35814, daté du 29 janvier 2002, est rejetée avec dépens.

**NATURE OF THE CASE**

Statutes - Criminal law - Offences - Interpretation - Applicant charged with counts under a specific section of a regulation under the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1 requiring a signaller - Crown relying upon evidence that signaller did not satisfy requirements under a different section of the regulation - Does the large and liberal approach to statutory interpretation permit a court to convict an accused of an offence which has not been charged by the Crown, where the different offence(s) does not constitute a definition of the offence before the court - Do the powers of an appeal court to "make any order, in addition, that justice requires" permit an appeal court to amend an information on its own accord, where the legislative requirements to grant the amendment do not exist.

**PROCEDURAL HISTORY**

February 28, 2000 Ontario Court of Justice (Long J.)	Applicant's motion for directed verdict of acquittal granted; charges dismissed
December 1, 2000 Superior Court of Justice (Borkovich S.C.J.)	Appeal from acquittal dismissed
January 29, 2002 Court of Appeal for Ontario (Weiler, Sharpe and Simmons JJ.A.)	Appeal allowed: directed verdict of acquittal set aside, new trial ordered
April 2, 2002 Supreme Court of Canada	Application for leave to appeal filed

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**29040**      **Alma Robb as Executrix of the Estate of L. Wayne Robb, deceased, Alma Robb, Douglas Robb, Heather Robb, Edna Robb and George Robb v. The Canadian Red Cross Society, Her Majesty the Queen in Right of Ontario, Bayer Corp. and Bayer Inc. - and between - Judith Lynne Rintoul as Executrix of the Estate of C. Gray Rintoul, deceased, Tracey Rintoul, Trevor Rintoul, Lynne Ferreira and Lisa Edgington v. The Canadian Red Cross Society, Her Majesty the Queen in Right of Ontario, Bayer Corp. and Bayer Inc. - and between - Christopher Farrow, also known as Christopher Le Blanc, Stephanie Beaulieu and Steven Farrow, by their litigation guardian, Joanne Farrow, and the said Joanne Farrow v. The Canadian Red Cross Society, Her Majesty the Queen in Right of Ontario, Bayer Corp. and Bayer Inc.** (Ont.) (Civil)

Coram:            Gonthier, Major and LeBel JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Numbers C34707, C34708, C34709, C34738, C34739 and C34740, dated November 29, 2001, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéros C34707, C34708, C34709, C34738, C34739 et C34740, daté du 29 novembre 2001, est rejetée avec dépens.

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

Torts - Damages - Negligence - Spoliation - Appellate review - Standard of review - Standard of care - Admissibility of Evidence - Whether the court of appeal erred regarding the standard of appellate review - Whether the court of appeal erred regarding the standard of care and can it substitute its own view - Whether the Applicants are required to prove a hypothetical - Whether the court of appeal erred in its review of the evidence - Whether the lower courts erred in failing to find spoliation - Whether the lower courts erred in refusing to admit certain public documents - Whether continuity in causation was proved and evidence may be re-examined - Whether there are issues of public importance raised.

#### **PROCEDURAL HISTORY**

June 21, 2000  
Ontario Superior Court of Justice  
(Macdonald J.)

Applicants' action against Respondent Canadian Red Cross Society (CRCS) allowed; Applicants' action against Respondent Bayer dismissed; Applicants' action against Ontario dismissed; Respondents' cross-claims dismissed; Respondent CRCS's third party claim against the Federal government allowed

February 28, 2001  
Ontario Superior Court of Justice  
(Macdonald J.)

Supplementary reasons on costs, prejudgment interest and other matters

November 29, 2001  
Court of Appeal for Ontario  
(Osborne A.C.J.O., Catzman and Charron JJ.A.)

Respondent CRCS's appeal allowed; Applicants' cross appeals dismissed; Bayer's cross-appeal dismissed; Federal government's appeal allowed; trial judgment set aside; Applicants' actions dismissed

January 25, 2002  
Supreme Court of Canada

Application for leave to appeal filed

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**29097**      **Mervat S.A. Rashwan and Magdy A. Rashwan v. Joseph S. Farkas** (Ont.) (Civil)

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Coram: Gonthier, Major and LeBel JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C36877, dated January 9, 2002, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C36877, daté du 9 janvier 2002, est rejetée avec dépens.

**NATURE OF THE CASE**

Procedural law - Appeal - Torts - Negligence - Solicitor - Applicant, Mrs. Rashwan claimed respondent negligently represented her at her assault trial - Whether the trial court and Court of Appeal erred in their reasons and decision in this matter?

**PROCEDURAL HISTORY**

July 26, 2001  
Ontario Superior Court of Justice  
(Boyko J.)

Respondent's motion for summary judgment to dismiss the Applicants' action for damages for improper legal representation granted: action dismissed

January 9, 2002  
Court of Appeal for Ontario  
(Moldaver, Sharpe and Simmons JJ.A.)

Appeal dismissed

March 8, 2002  
Supreme Court of Canada

Application for leave to appeal filed

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28.8.2002

Before / Devant: GONTHIER J.

**Motion to extend the time in which to file and / or serve the application for leave and miscellaneous motions**

**Requête en prorogation du délai imparti pour déposer et / ou signifier la demande d'autorisation et autres requêtes**

Orville Johnn Gustavson

v. (29249)

The Warden, Mission Institution, et al. (Crim.) (B.C.)

**DISMISSED / REJETÉE** The motions herein are dismissed as being without merit.

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28.8.2002

Before / Devant: THE 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'intimé**

David Malmo-Levine

v. (28026)

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

and

Victor Eugene Caine

v. (28148)

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

and

Christopher James Clay

v. (28189)

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

**GRANTED / ACCORDÉE** Time extended to October 18, 2002.

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28.8.2002

Before / Devant: THE REGISTRAR

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

**Requête en prorogation du délai imparti pour signifier et déposer les réponse, dossier et recueil de jurisprudence et de doctrine de l'intimé**

Marek Podhorski-Okolow

v. (29287)

Her Majesty the Queen (Ont.)

**GRANTED / ACCORDÉE** Time extended to October 4, 2002.

27.8.2002

Before / Devant: GONTHIER J.

**Motion by the applicant to expedite the application for leave to appeal**

**Requête du demandeur visant à accélérer la demande d'autorisation d'appel**

Terrance Parker

v. (29264)

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

**DISMISSED / REJETÉE**

The motion is dismissed as serving no useful purpose in this circumstance as no contestation as to service or form or content is of record at this time and the respondent's response is to be filed under the Court rules by August 30, 2002.

26.8.2002

Before / Devant: THE REGISTRAR

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

**Requête en prorogation du délai imparti pour signifier et déposer les mémoire et recueil de jurisprudence et de doctrine de l'intervenant le Procureur général de la Colombie-Britannique**

Glenda Doucet-Boudreau, et.al.

v. (28807)

Attorney General of Nova Scotia (N.S.)

**GRANTED / ACCORDÉE** Time extended to August 30, 2002.

26.8.2002

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Before / Devant: THE REGISTRAR

**Motion to extend the time in which to serve and file a factum and book of authorities by the respondents the Attorney General of British Columbia and the Director of Vital Statistics**

Darrell Wayne Trociuk

v. (28726)

Attorney General of British Columbia and the Director of Vital Statistics, et al. (B.C.)

**GRANTED / ACCORDÉE** Time extended to August 9, 2002.

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26.8.2002

Before / Devant: THE REGISTRAR

**Motion to extend the time in which to serve and file a factum by the respondents CB Commercial Real Estate Group Canada Inc., et al.**

Alan H. Coles

v. (28264)

Canam Enterprises Inc., et al. (Ont.)

**GRANTED / ACCORDÉE** Time extended to August 19, 2002.

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26.8.2002

Before / Devant: THE REGISTRAR

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

A.P.

c. (28352)

É.D. (Qué.)

**GRANTED / ACCORDÉE** Time extended to August 9, 2002.

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27.8.2002

Before / Devant: THE CHIEF JUSTICE

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**Requête en prorogation du délai imparti pour signifier et déposer les mémoire et recueil de jurisprudence et de doctrine des intimés le Procureur général de la Colombie-Britannique et le Directeur des statistiques de l'état civil**

**Requête en prorogation du délai imparti pour signifier et déposer le mémoire des intimés CB Commercial Real Estate Group Canada Inc., et autres**

**Requête en prorogation du délai imparti pour signifier et déposer les mémoire et recueil de jurisprudence et de doctrine de l'intervenant le Procureur général du Québec**

**Motion for directions****Demande pour obtenir des directives**

Insurance Corporation of British Columbia

v. (28745)

Unifund Assurance Company of Canada (Ont.)

**GRANTED / ACCORDÉE**

On behalf of the appellant for an order providing directions as to whether a constitutional question should be stated and upon reading the pleadings and proceedings herein the following question will be stated:

1. Is section 275 of the *Insurance Act*, R.S.O. 1990, c. I.8, as amended, constitutionally inapplicable to the appellant because its application in the circumstances of this case would not accord with territorial limits on provincial jurisdiction?

Notices of intervention should be filed on or before September 30, 2002.

1. L'article 275 de la Loi sur les assurances, L.R.O. 1990, ch. I.8 et ses modifications, est-il constitutionnellement inapplicable à l'appelante pour le motif que, dans les circonstances de la présente affaire, son application ne serait pas conforme aux limites territoriales de la compétence provinciale?

Les avis d'intervention doivent être déposés au plus tard le 30 septembre 2002.

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28.8.2002

Before / Devant: GONTHIER J.

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

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

Seymour Grey

v. (29285)

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

**REFERRED to the panel seized of the application for leave to appeal /  
RÉFÉRÉE à la formation saisie de la demande d'autorisation**

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**NOTICE OF APPEAL FILED SINCE  
LAST ISSUE**

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

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19.8.2002

**Her Majesty the Queen**

**v. (29331)**

**James David Knight (Alta.)**

(as of right)

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19.8.2002

**Her Majesty the Queen**

**v. (29332)**

**Robert Merlin Hay (Alta.)**

(as of right)

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**NOTICES OF INTERVENTION FILED  
SINCE LAST ISSUE**

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

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29.8.2002

BY/PAR: Attorney General of Manitoba

IN/DANS: **Global BC (also known as BCTV News), a division of Global Communications Limited, et al.  
v. (28823)**

**Her Majesty the Queen, et al. (B.C.)**

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29.8.2002

BY/PAR: Attorney General of Manitoba

IN/DANS: **Bell Canada**

**v. (28743)**

**Canadian Telephone Employees Association, et al. (F.C.)**

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## DEADLINES: APPEALS

The Fall Session of the Supreme Court of Canada will commence September 30, 2002.

The Supreme Court of Canada has enacted new rules that came into force on June 28, 2002.

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

### 1) For notices of appeal filed on and after June 28, 2002

**Appellant's record; appellant's factum; and appellant's book(s) of authorities** must be filed within 12 weeks of the filing of the notice of appeal or 12 weeks from decision on the motion to state a constitutional question.

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

**Intervener's factum and intervener's book(s) of authorities**, (if any), must be filed within eight weeks of the order granting leave to intervene or within 20 weeks of the filing of a notice of intervention under subrule 61(4).

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

### 2) For notices of appeal filed before June 28, 2002

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

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

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

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

The Registrar shall enter the appeal on a list of cases to be heard after the respondent's factum is filed or at the end of the eight-week period referred to in Rule 36.

## DÉLAIS : APPELS

La session d'automne de la Cour suprême du Canada commencera le 30 septembre 2002.

La Cour suprême du Canada a adopté de nouvelles règles qui sont entrées en vigueur le 28 juin 2002.

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

### 1) Pour les avis d'appel déposés le ou après le 28 juin 2002

**Le dossier de l'appelant, son mémoire et son recueil de jurisprudence et de doctrine** doivent être déposés dans les douze semaines du dépôt de l'avis d'appel ou douze semaines de la décision de la requête pour formulation d'une question constitutionnelle.

**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 des documents de l'appelant.

**Le mémoire de l'intervenant et son recueil de jurisprudence et de doctrine**, le cas échéant, doivent être déposés dans les huit semaines suivant l'ordonnance autorisant l'intervention ou dans les vingt semaines suivant le dépôt de l'avis d'intervention visé au paragraphe 61(4).

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

### 2) Pour les avis d'appel déposés avant le 28 juin 2002

**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.

**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 des documents de l'appelant.

**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.

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

Le registraire inscrit l'appel pour audition après le dépôt du mémoire de l'intimé ou à l'expiration du délai de huit semaines prévu à la règle 36.

SUPREME COURT OF CANADA SCHEDULE  
CALENDRIER DE LA COUR SUPREME

- 2002 -

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

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

DECEMBER - DECEMBRE						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
1	M 2	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				

- 2003 -

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

FEBRUARY - FÉVRIER						
S	M	T	W	T	F	S
D	L	M	M	J	V	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	24	25	26	27	28	

MARCH - MARS						
S	M	T	W	T	F	S
D	L	M	M	J	V	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	24	25	26	27	28	29
30	31					

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

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

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

Sittings of the court:  
Séances de la cour:

18 sitting weeks / semaines séances de la cour

Motions:  
Requêtes:

M

80 sitting days / journées séances de la cour

Holidays:  
Jours fériés:

H

9 motion and conference days / journées requêtes, conférences

1 holidays during sitting days / jours fériés durant les sessions