

**SUPREME COURT
OF CANADA**



**COUR SUPRÊME
DU CANADA**

**BULLETIN OF
PROCEEDINGS**

**BULLETIN DES
PROCÉDURES**

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FILING DATE 22.3.2002

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Columbia Ltd.**
Patrick G. Foy, Q.C.
Borden Ladner Gervais

v. (29143)

**Lembit Janes, Karen Janes, Peter Pastewka,
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al. (B.C.)**
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FILING DATE 28.3.2002

Her Majesty the Queen
Stephen R. Dawson
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FILING DATE 2.4.2002

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

The Corporation of the City of Hamilton
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(Ministry of Labour) (Ont.)**
Brian Blumenthal
Ministry of Labour

FILING DATE 2.4.2002

James Wakeford
Marie Henein
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v. (29136)

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Roslyn J. Lavine, Q.C.
A.G. of Canada

FILING DATE 25.3.2002

**Norm Ringstad, in his capacity as the Project
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Mine Project, Sheila Wynn, in her capacity as the
Executive Director, Environmental Assessment
Office, et al.**

Paul Pearlman, Q.C.
Fuller, Pearlman, McNeil

v. (29146)

**The Taku River Tlingit First Nation and Melvin
Jack, on behalf of himself and all other members
of the Taku River Tlingit First Nation, et al.
(B.C.)**

Arthur C. Pape
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FILING DATE 2.4.2002

**The Council of Canadians, the Sierra Club of
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FILING DATE 2.4.2002

**Syndicat des travailleuses et travailleurs de Alfred
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DATE DE PRODUCTION 5.4.2002

Canadian Photonic Labs
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Simbol Test Systems Inc. (Qué.)
Pierre McMartin
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DATE DE PRODUCTION 21.3.2002

Her Majesty the Queen
John M. Gordon
A.G. of British Columbia

v. (29140)

Michael Edward Kelly (B.C.)
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FILING DATE 26.3.2002

The Corporation of Delta
Barry S. Williamson
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Windset Greenhouses (Ladner) Ltd. (B.C.)
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FILING DATE 9.4.2002

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DATE DE PRODUCTION 9.4.2002

Dr. André Touchburn, et al.
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Mark S. Raftus
Wagner & Associates

FILING DATE 9.4.2002

Jeffrey Smith
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v. (29041)

Her Majesty the Queen (Ont.)
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A.G. for Ontario

FILING DATE 16.4.2002

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

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

APRIL 15, 2002 / LE 15 AVRIL 2002

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

Jeffrey Scott Schellenberg

v. (28788)

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

NATURE OF THE CASE

Criminal Law (Non-Charter) - Verdicts - Sentencing - Conditional sentences - Whether Court of Appeal erred in law in finding that guilty verdict was not unreasonable or that sentence was not unfit.

PROCEDURAL HISTORY

| | |
|---|---|
| November 18, 1999 Manitoba Court of Queen's Bench (McCawley J.) | Conviction, sexual assault |
| August 3, 2000 Manitoba Court of Queen's Bench (McCawley J.) | Sentence, 30 months imprisonment |
| September 19, 2001 Court of Appeal of Manitoba (Huband [<i>dissenting in part</i>], Twaddle and Monnin JJ.A.) | Appeals against conviction and sentence dismissed |
| January 9, 2002 Supreme Court of Canada | Application for leave to appeal filed |
| January 14, 2002 Supreme Court of Canada (Major J.) | Extension of time to file leave application granted |

Atmah Singh

v. (29044)

British Columbia Hydro and Power Authority (B.C.)

NATURE OF THE CASE

Labour law - Master and Servant - Wrongful dismissal - Whether the rules concerning notice under the British Columbia *Employment Standards Act*, RSBC 1996, c.113, were breached resulting in the wrongful termination of the applicant?

PROCEDURAL HISTORY

February 23, 2000
Supreme Court of British Columbia
(Parrett J.)

Summary judgment and action for wrongful dismissal dismissed.

December 4, 2001
Court of Appeal of British Columbia
(Ryan, Saunders and Proudfoot JJ.A.)

Applicant's appeal allowed in part: required notice period increased to 27 months

February 4, 2002
Supreme Court of Canada

Application for leave to appeal filed

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

Geoffrey Saldanha and Leueen Saldanha

v. (28829)

Frederick H. Beals, III, Patricia Beals (Ont.)

AND BETWEEN:

Dominic Thivy

v.

Frederick H. Beals, III, Patricia Beals (Ont.)

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - International law - Conflict of laws - Commercial law - Fraud - Procedural law - Default judgment - Public policy and natural justice - *Morguard Investments Ltd. v. De Savoye* (1991), 76 D.L.R. (4TH) 256 (S.C.C.) - Whether the ability of foreign courts to take jurisdiction over Canadian residents under the "real and substantial" test in *Morguard* should be re-examined, in a situation where the possibility exists of fraud regarding the process by which the judgment was obtained - Whether Canadian courts should give a broader interpretation to the defences of public policy and natural justice, as raised in the *Morguard* judgment, which referred to "fairness to the defendant through fair process" and remedies being available to foreign default judgments in certain cases where public policy issues are raised - Whether the failure of the defendants to appear in foreign proceedings estops them from seeking redress for failings in the processes of the foreign court, which ultimately results in a denial of fundamental justice.

PROCEDURAL HISTORY

November 6, 1998
Ontario Court of Justice
(Jennings J.)

Respondents' action seeking to enforce, in Ontario, a judgment obtained in Florida dismissed

June 29, 2001
Court of Appeal for Ontario
(Catzman, Doherty and Weiler JJ.A.)

| | |
|---|---|
| Appeal allowed; judgment for Respondents in the amount of \$556,185. (U.S. funds) | September 27, 2001 Supreme Court of Canada |
| First application for leave to appeal filed | September 28, 2001 Supreme Court of Canada |
| Second application for leave to appeal filed | |

Istvan Szebenyi Jr. and Gizella Szebenyi

v. (28902)

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

NATURE OF THE CASE

Procedural law - *Res judicata* - Whether the right of the Applicant Istvan Szebenyi Jr. to represent his mother was *res judicata*.

PROCEDURAL HISTORY

| | |
|---|--|
| June 3, 1998 Federal Court (Trial Division) (Gibson J.) | Applicant Istvan Szebenyi Jr.'s permission to represent Gizella Szebenyi in action against Citizenship and Immigration officials, denied |
| August 18, 2000 Federal Court (Trial Division) (Lafrenière, Prothonotary) | Applicant Istvan Szebenyi Jr.'s motion for leave to represent Gizella Szebenyi, dismissed |
| September 19, 2000 Federal Court (Trial Division) (Blais J.) | Applicant Istvan Szebenyi Jr.'s motion to appeal prothonotary Lafrenière's decision, dismissed |
| November 2, 2000 Federal Court (Trial Division) (Blais J.) | Applicant Istvan Szebenyi Jr.'s motion to reconsider, dismissed |
| December 8, 2000 Federal Court (Trial Division) (Blais J.) | Applicant Istvan Szebenyi Jr.'s motion to reconsider decision on reconsideration, dismissed |
| September 20, 2001 Federal Court of Appeal (Linden, Sharlow and Malone JJ.A.) | Appeal dismissed |
| November 7, 2001 Supreme Court of Canada | Application for leave to appeal filed |

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

Philip Ofume

v. (28741)

Southwest Apartment Limited (N.S.)

NATURE OF THE CASE

Administrative law - Residential Tenancies Board found applicant, a refugee from Nigeria, owed landlord arrears of three months rent - Decision upheld by trial and appeal courts - Applicant raising issue of discrimination on appeal - Discrimination not raised at tribunal or before trial court - Whether Court of Appeal erred in finding no manifest error creating substantial injustice made by Board.

PROCEDURAL HISTORY

December 3, 1999; June 29, 2001
Supreme Court of Nova Scotia
(Cacchione J.)

Objection to the Report and Recommendation of the Halifax Residential Tenancies Board, dismissed; order of the Board approved and made an order of the Supreme Court of Nova Scotia

June 11, 2001
Nova Scotia Court of Appeal
(Freeman J.A., Glube C.J.N.S., and Flinn J.A.)

Appeal dismissed

October 3, 2001
Supreme Court of Canada
(LeBel J.)

Motion to extend time to file application for leave to appeal granted in-part; application to be filed by November 30, 2001

November 28, 2001
Supreme Court of Canada

Application for leave to appeal filed

APRIL 11, 2002 / LE 11 AVRIL 2002

28923 Procureur général du Québec - c. - R.C. (Qué.) (Criminelle)

LE JUGE EN CHEF: –

L'audition de la demande d'autorisation d'appel est ajournée à une date ultérieure.

The oral hearing of this application for leave to appeal is adjourned to a date to be determined.

NATURE DE LA CAUSE

Charte canadienne des droits et libertés - Droit criminel - Procédure - Appel - Compétence - Droit à l'avocat - Art. 7 et 11d) de la *Charte* - La Cour supérieure a-t-elle erré en reconnaissant à l'intimé un droit constitutionnel à la représentation par avocat aux frais de l'État à l'étape de l'enquête pour remise en liberté? - La Cour supérieure pouvait-elle ordonner à l'État de fournir les services d'un avocat à l'intimé en s'attardant uniquement aux intérêts de celui-ci et en ne tenant aucunement compte des intérêts de la société, notamment des limites à la capacité de l'État de payer? - La Cour supérieure pouvait-elle dicter au Gouvernement les mécanismes de prestation des services? - La décision de la Cour supérieure peut-elle faire l'objet d'un appel à la Cour suprême?

HISTORIQUE PROCÉDURAL

Le 24 juillet 2001
Commission des services juridiques
Comité administratif

Demande d'admissibilité exceptionnelle à l'aide juridique refusée

Le 27 août 2001
Cour supérieure du Québec
(Bellavance j.c.s.)

Ordonnance à l'effet de suspendre temporairement les procédures criminelles intentées contre l'intimé et d'enjoindre le Gouvernement du Québec à fournir un avocat à l'intimé aux frais de l'État

Le 5 septembre 2001
Cour supérieure du Québec
(Bellavance j.c.s.)

Suspension temporaire des procédures levée; dossier retourné à la Cour du Québec

Le 25 octobre 2001
Cour suprême du Canada

Demande d'autorisation d'appel déposée à l'encontre de la décision du 27 août

**JUDGMENTS ON APPLICATIONS
FOR LEAVE**

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

APRIL 18, 2002 / LE 18 AVRIL 2002

28961 Bell Globemedia Inc. carrying on business as The Globe and Mail - v. - Her Majesty the Queen and Kai Sum Yeung (Ont.) (Criminal)

CORAM: The Chief Justice, Iacobucci and Arbour JJ.

The applications for leave to appeal are dismissed.

Les demandes d'autorisation d'appel sont rejetées.

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Freedom of the press - Sealing orders - Whether the Court of Appeal erred in finding that the test for breaching the Applicant's section 2(b) rights under the *Charter* is satisfied when the Court has a mere concern that indirect forms of disclosure could compromise an ongoing criminal investigation as opposed to the "real and substantial test" enunciated by this Court in *Dagenais v. Canadian Broadcasting Corporation*, [1994] 3 SCR 835 and the "serious risk to the proper administration of justice" test enunciated by this Honourable Court in *R. v. Mentuck*, [2001] SCC 76 - Whether the Court of Appeal erred in failing to consider reasonably available alternative measures by which the Applicant's rights under section 2(b) of the *Charter* would be minimally impaired to achieve the objectives of the Crown - Whether the Court of Appeal erred by invoking a procedure where the Applicant was deprived of its right to make informed submissions challenging the sealing order when the Court acknowledged that such a challenge could conceivably be successful.

PROCEDURAL HISTORY

October 11, 2001
Court of Appeal for Ontario
(Doherty, Rosenberg and Moldaver JJ.A.)

Applicant's motion for an order granting access to a sealed affidavit relating to the appeal of the Respondent Yeung dismissed

December 4, 2001
Supreme Court of Canada

Application for leave to appeal (no. 1) filed

December 18, 2001
Court of Appeal for Ontario
(Doherty, Rosenberg, Moldaver JJ.A.)

Respondent Crown's application for extension of sealing order granted. Sealing order extended to June 13, 2002. Applicant's application requesting access to sealed affidavits dismissed.

February 5, 2002
Supreme Court of Canada

Application for leave (no. 2) to appeal filed

29043 Her Majesty the Queen - v. - Stewart James Smith (B.C.) (Criminal)

CORAM: The Chief Justice, Iacobucci and Arbour JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

NATURE OF THE CASE

Criminal law - Sentencing - Dangerous offender - Long term offender - Retrospectivity - Whether the court of appeal erred by narrowing the definition of dangerous offender - Whether the court of appeal erred in holding that only offenders for whom there is no reasonable possibility of cure or control within the length of a determinate or long term offender sentence are to be designated dangerous offenders - Whether the court of appeal erred in holding that the long term offender provisions constitute a lesser punishment - Whether the court of appeal erred in ordering a new hearing without considering whether the result would necessarily have been the same if the long term offender provisions had been applied

PROCEDURAL HISTORY

| | |
|---|---|
| April 17, 1997 Provincial Court of British Columbia (Gordon J.) | Conviction: Uttering threats; assault causing bodily harm |
| February 29, 2000 Provincial Court of British Columbia (Gordon J.) | Sentence: Respondent classified as dangerous offender; indeterminate sentence of imprisonment imposed |
| December 4, 2001 Court of Appeal for British Columbia (Prowse, Huddart, Low JJ.A) | Sentence appeal allowed; new sentencing hearing ordered |
| January 30, 2002 Supreme Court of Canada | Application for leave to appeal filed |

28835 **La Compagnie Pétrolière Impériale Limitée - c. - Procureur général du Québec pour et au nom du ministre de l'Environnement André Boisclair - et - Tribunal Administratif du Québec, Ville de Lévis, et al., Ginette Tanguay, Marc Turgeon, Lucie Munger, Nicolas Pelletier, Christine Duhaime, Claude Maheux, Christine Bédard, Nancy Kidd, André Martin, Jacques Desmeules, Claude Nadeau, Brigitte Michaud, Lucien Bélanger, Carole Roseberry, Reynald Landry, Bernard Côté, Groupe B. Côté, Caisse Populaire Desjardins de Saint-David, Les Entreprises Michel Verret Inc., André Blais, Sylvie Bourget, Céline Couture, Jacques Marquis, Normand Rodrigue, Chantale Jean, Jean-Marc Bergeron, Jocelyne Giasson, Lini Fortin, Martine Ringuet, Marielle Vallières, Gilbert Caron, Rita Nolin, Renée-Claude Gagné, Danny Garcez et Corporation Adélaïde Capitale Inc.** (Qué.) (Civile)

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

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

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

NATURE DE LA CAUSE

Droit de l'environnement — Sol contaminé par des hydrocarbures — Le ministre de l'Environnement ordonne la réalisation d'une étude de caractérisation du sol — *Loi sur la qualité de l'environnement*, L.R.Q., ch. Q-2, art. 31.42, 41.44, 96 et 115.1 — Droit administratif — Appel — *Loi sur la justice administrative*, L.R.Q., ch. J-3, art. 2, 15 et 137 — Le ministre était-il tenu à une obligation d'équité procédurale lui imposant d'agir avec impartialité? — Les faits au présent dossier démontrent-ils une crainte raisonnable de partialité? — Quelles sont les conditions d'application de la doctrine de la nécessité dans un contexte de révision judiciaire d'une décision administrative comportant l'exercice d'une discrétion et quelle est la portée exacte des exceptions à cette doctrine dans ce même contexte, le cas échéant? — La Cour

d'appel a-t-elle erré en droit en appliquant l'exception de la doctrine de la nécessité et celle du chevauchement des fonctions? — La Cour d'appel a-t-elle erré en droit en voyant dans l'exception du chevauchement de fonctions une exception au devoir d'agir avec impartialité du Ministre applicable dans le cadre du présent dossier? — La Cour d'appel a-t-elle erré en droit en ce qu'elle ne pouvait ignorer les conclusions du juge de première instance portant sur la mauvaise foi du décideur et de l'« objet irrégulier » à moins d'intervenir dans les conclusions factuelles du juge *a quo* et d'établir qu'il avait commis une erreur manifeste dans l'appréciation de la preuve, ce que la Cour d'appel n'a pas fait et n'a pas cherché à démontrer?

HISTORIQUE PROCÉDURAL

Le 27 janvier 2000
Cour Supérieure du Québec
(Pelletier, j.c.s.)

Requête de la demanderesse en révision judiciaire d'une décision du Tribunal administratif du Québec, accueillie ; décision du 2 juin 1999, cassée ; ordonnance du ministre, annulée

Le 3 avril 2001
Cour d'appel du Québec
(Baudouin, Dussault et Thibault, jj.c.a.)

Requête de l'intimée pour preuve additionnelle, accueillie

Le 31 juillet 2001
Cour d'appel du Québec
(Baudouin, Dussault et Thibault, jj.c.a.)

Appel accueilli ; jugement infirmé ; requête en révision judiciaire, rejetée

Le 28 septembre 2001
Cour suprême du Canada

Demande d'autorisation d'appel déposée

28831 **Siemens Westinghouse Inc. - v. - The Minister of Public Works and Government Services Canada, Mil Systems, a division of Davie Industries Inc., and Fleetway Inc. - and - The Canadian International Trade Tribunal** (FC) (Civil)

CORAM: The Chief Justice, Iacobucci and Arbour JJ.

The application for leave to appeal is dismissed with costs to the respondents, Minister of Public Works and Government Services Canada, Mil Systems, a division of Davie Industries Inc. and Fleetway Inc.

La demande d'autorisation d'appel est rejetée avec dépens en faveur des intimés, Ministre des travaux publics et des services gouvernementaux, Mil Systems, a division of Davie Industries Inc. and Fleetway Inc.

NATURE OF THE CASE

Administrative Law - Judicial Review - Tribunals - Commercial Law - Contracts - Government Procurement - Winning bid on government Request for Proposal to procure services successfully challenged before Canadian International Trade Tribunal - Tribunal issues recommendations to be implemented during re-evaluation of bids - Bids re-evaluated without reference to first evaluation and contract awarded to different party - Bidder successful in original evaluation seeks judicial review - What is the extent of the government's discretion to refuse to implement a determination of the Canadian International Trade Tribunal with respect to a procurement - Whether the Canadian International Trade Tribunal has jurisdiction to review the government's implementation of a previous determination in the same procurement - When implementing a tribunal recommendation to re-evaluate bids, is the government limited to correcting the errors found by the tribunal or at liberty to change elements of the first evaluation that were never in dispute before the tribunal - What is the nature of the government's obligation to clearly identify bid evaluation criteria and weighting in an Request For Proposal - What is the appropriate standard of review on procurement complaints.

PROCEDURAL HISTORY

| | |
|---|--|
| March 19, 2001 Canadian International Trade Tribunal (Close, Presiding Member, Gosselin and Ogilvy, Members) | Applicant's complaint relating to Respondent Government Services Canada's procurement re-evaluation dismissed |
| July 24, 2001 Federal Court of Appeal (Linden, Isaac and Malone JJ.A.) | Application for judicial review dismissed |
| September 28, 2001 Supreme Court of Canada | Application for leave to appeal filed |

28702 **Harry Catarat (deceased) and James Albert Sylvestre - v. - Her Majesty the Queen in Right of the Province of Saskatchewan and Her Majesty the Queen in Right of the Government of Canada**
(Sask.) (Civil)

CORAM: The Chief Justice, Iacobucci and Arbour JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Native law - Constitutional law - Criminal law - Treaty rights - Hunting on land owned by provincial Crown and leased to federal Crown - Whether Indians have right to hunt for food on lands ceded under treaty which are leased for military training purposes and as an air weapons range - Whether land is "unoccupied Crown land" - Whether hunting rights were extinguished or modified by Natural Resources Transfer Agreement - Violations of *Wildlife Act*, S.S. 1979, c. W-13.1 and *National Defence Act*, R.S.C. 1985, c. N-5 and *Regulations* - Violation of *Charter* rights - *R. v. Badger*, [1996] 1 S.C.R. 771.

PROCEDURAL HISTORY

| | |
|--|--|
| August 26, 1998 Provincial Court of Saskatchewan (Nightingale J.) | Applicants acquitted of unlawfully entering a controlled area contrary to s. 288 of the <i>National Defence Act</i> , R.S.C. 1985, c. N-5 and its <i>Regulations</i> and unlawful hunting contrary to section 28(1)(a) of the <i>Wildlife Act</i> |
| August 25, 1999 Court of Queen's Bench for Saskatchewan (Krueger J.) | Respondents' appeals allowed; Applicants' cross-appeal dismissed; acquittals set aside; matter referred back to trial judge on issue of an implied permission to hunt |
| April 2, 2001 Court of Appeal for Saskatchewan (Tallis, Cameron and Sherstobitoff JJ.A.) | Conviction appeal dismissed |
| May 2, 2001 | Decision on sentencing: fine of \$500 for unlawful hunting |

Court of Appeal for Saskatchewan
(Tallis, Cameron and Sherstobitoff JJ.A.)

and fine of \$100 for unlawfully entering a controlled area

August 2, 2001
Supreme Court of Canada
(Gonthier J.)

Motion for an extension of time to file and serve the
Applicants' application for leave to appeal to September
30, 2001, granted

October 1, 2001
Supreme Court of Canada

Application for leave to appeal filed

28771 **Crédit Commercial de France - c. - Ville de Montréal** (Qué.) (Civile)

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

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

The application for leave to appeal is dismissed with costs.

NATURE DE LA CAUSE

Droit fiscal - Procédure - Prescription - Législation - Interprétation - Contestation d'une inscription apparaissant au rôle de la valeur locative - Art. 134 de la *Loi sur la fiscalité municipale*, L.R.Q., ch. F-2.1, permettant le dépôt d'une plainte tardive en cas de force majeure - La Cour d'appel, à la majorité, a-t-elle erré dans l'interprétation de l'expression "cas de force majeure" ainsi que dans l'application de ce principe?

HISTORIQUE PROCÉDURAL

Le 25 février 1998
Bureau de révision de l'évaluation foncière du Québec

Requête en irrecevabilité de l'intimée accueillie: plainte
de la demanderesse rejetée
en raison de sa tardiveté

Le 13 avril 1999
Cour du Québec, Chambre civile
(Barbe j.c.q.)

Appel accueilli: plainte de la demanderesse déclarée
recevable et dossier retourné au Bureau de révision

Le 22 octobre 1999
Tribunal administratif du Québec

Plainte de la demanderesse accueillie: valeur réelle du
lieu d'affaires établie à 950 000\$

Le 3 avril 2000
Cour du Québec, Chambre civile
(Barbe j.c.q.)

Jugement du 6 mars 2000 corrigé: plainte jugée
recevable pour cas de force majeure et décision du
Tribunal administratif confirmée

Le 4 juin 2001
Cour d'appel du Québec
(Fish [dissident], Otis et Rochon [*ad hoc*] jj.c.a.)

Appel accueilli et décision du Bureau de révision de
l'évaluation foncière rétablie

Le 4 septembre 2001
Cour suprême du Canada

Demande d'autorisation d'appel déposée

28840 **Canadian Union of Public Employees, Local 79 - v. - City of Toronto and Douglas Stanley** (Ont.)
(Civil)

CORAM: L'Heureux-Dubé, Bastarache 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 de l'appel.

NATURE OF THE CASE

Administrative law - Labour law - Arbitration - Judicial review - Whether the Court erred in concluding that the applicable standard of review of the arbitrator's decision was correctness rather than patent unreasonableness - Whether the Court erred in concluding that there was a new, independent "finality principle", separate and different from the principles of *issue estoppel* and *res judicata* and the doctrine of abuse of process, rendering prior criminal convictions conclusive and binding in later arbitration proceedings.

PROCEDURAL HISTORY

May 5, 2000
Superior Court of Justice
(O'Driscoll, MacFarland and Crane JJ.)

Respondent City of Toronto's application for judicial review of Respondent Arbitrator Stanley's decision granted: Arbitrator's decision quashed

August 10, 2001
Court of Appeal for Ontario
(Labrosse, Doherty and Feldman JJ.A.)

Appeal dismissed

October 5, 2001
Supreme Court of Canada

Application for leave to appeal filed

28849 **Ontario Public Service Employees Union - v. - Her Majesty the Queen in right of Ontario as represented by the Ministry of Community and Social Services, Her Majesty the Queen in right of Ontario as represented by the Ministry of Correctional Services and Ontario Crown Employees Grievance Settlement Board** (Ont.) (Civil)

CORAM: L'Heureux-Dubé, Bastarache 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 de l'appel.

NATURE OF THE CASE

Administrative law - Labour law - Arbitration - Judicial review - Is the proper standard of review of procedural and evidentiary decisions of Ontario Crown Employees Grievance Settlement Board one of correctness - In the absence of issue estoppel, collateral attack and a clear finding of abuse of process, is it proper for a court on judicial review to set aside an arbitrator's decision and apply a free-standing principle of judicial finality to restrict the evidence permitted in rebuttal of a criminal conviction - Did the Court err in critically assessing the nature and origin of the evidence before an arbitrator and in determining that rebuttal evidence should not have been heard?

PROCEDURAL HISTORY

| | |
|---|--|
| May 5, 2000 Superior Court of Justice (O'Driscoll, MacFarland and Crane J.J.) | Respondents' applications for an order quashing the Interim Award and Final Award of the Ontario Crown Employees Grievance Settlement Board, allowed |
| August 10, 2001 Court of Appeal for Ontario (Labrosse, Doherty and Feldman JJ.A.) | Appeal dismissed |
| October 9, 2001 Supreme Court of Canada | Application for leave to appeal filed |

29071 **James Wakeford - v. - Attorney General of Canada** (Ont.) (Civil)

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

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Canadian Charter - Civil - Civil rights - Right to assisted suicide - Summary judgment - Whether it was plain and obvious that the action could not succeed - Whether ss. 14 and 241(b) of the *Criminal Code* violate the *Canadian Charter of Rights and Freedoms* - Whether the Court of Appeal erred in law by failing to find that Canada's s. 1 defence that was used in *Rodriguez* was no longer applicable - Whether the Court of Appeal erred by failing to find that *Rodriguez* was distinguishable from the case at bar.

PROCEDURAL HISTORY

| | |
|---|---|
| February 6, 2001 Ontario Superior Court of Justice (Swinton J.) | Motion for summary judgment granted; action seeking declaration that ss. 14 and 241 of the <i>Criminal Code</i> violate the <i>Charter</i> and seeking constitutional exemption dismissed |
| December 7, 2001 Court of Appeal for Ontario (Borins, MacPherson and Cronk JJ.A.) | Appeal dismissed |
| February 5, 2002 Supreme Court of Canada | Application for leave to appeal filed |

28885 **Raffaele Greco - v. - Her Majesty the Queen** (Ont.) (Criminal)

CORAM: Gonthier, Major and LeBel JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Criminal law - Procedural law - Courts - Jurisdiction - Sentencing - Probation - Alleged breach of probation occurring solely outside Canada - Whether Canadian court has jurisdiction to try a failure to comply with probation offence where the acts constituting the failure to comply took place solely outside Canada.

PROCEDURAL HISTORY

May 21, 1999

Ontario Court of Justice

Lampkin J.

Court found to have jurisdiction to try case

November 22, 1999

Ontario Court of Justice

(Lampkin J.)

Applicant convicted on charge of breach of probation contrary to s. 733.1(1) of the *Criminal Code*

February 9, 2001

Superior Court of Justice

(MacKinnon J.)

Appeals from conviction and sentence dismissed

October 25, 2001

Court of Appeal for Ontario

(Doherty, Rosenberg and Moldaver JJ.A.)

Appeal from conviction dismissed

December 21, 2001

Supreme Court of Canada

Application for leave to appeal filed

28799 **Ian Swayze and Paul Posner - v. - Scott Starson a.k.a. Scott Jeffery Schutzman** (Ont.) (Civil)

CORAM: Gonthier, Major and LeBel JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

NATURE OF THE CASE

Administrative law - Judicial review - Consent and Capacity Review Board - Capacity to consent to treatment - Standard of review - Hearsay - Subjective considerations - New evidence on appeal - Whether the standard of appellate review of

treatment capacity orders by review tribunals under provincial legislation was properly determined by the lower courts - Whether the courts below erred in reversing the decision of the Consent and Capacity Board by, in effect, applying a standard of correctness and a strict application of the hearsay rule, rather than a standard of reasonableness - Whether the Board correctly applied the statutory standard in s. 4(1) of the Act with respect to the Respondent's capacity to consent to treatment - Whether the Board improperly allowed its subjective assessment of the choices made by the Respondent to influence its decision - Whether the Court of Appeal erred in refusing to admit new evidence on the current condition and prognosis of the Respondent.

PROCEDURAL HISTORY

| | |
|---|---|
| November 26, 1999 Superior Court of Justice (Molloy J.) | Appeal allowed |
| June 14, 2001 Court of Appeal for Ontario (Carthy, Laskin and Goudge JJ.A.) | Application to admit new evidence dismissed; appeal dismissed |
| September 12, 2001 Supreme Court of Canada | Application for leave to appeal filed |

28852 **Cory Mitchell King - v. - Her Majesty the Queen** (Alta.) (Criminal)

CORAM: Gonthier, Major and LeBel JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Canadian *Charter* - Criminal - Criminal law - Abuse of process - Right to liberty - Reasonable doubt - Accused's rights pursuant to breach in respect of third party - Whether the third party's rights were breached - Whether a breach of a third party's rights would create a breach of the accused's rights under the Charter, s. 7 - Whether such a breach would entitle accused to a remedy - Whether the lower courts erred in law by refusing to grant the stay of proceedings - Whether the lower courts erred in law in assessing reasonable doubt where the only evidence implicating the accused was proven false as to the time of the offence.

PROCEDURAL HISTORY

| | |
|---|---|
| September 26, 2000 Court of Queen's Bench of Alberta (Rooke J.) | Applicant convicted of possession of stolen property under the <i>Criminal Code</i> , s. 355(a) |
| June 14, 2001 Court of Appeal of Alberta (Hunt, Berger and Kenny JJ.A.) | Appeal from conviction dismissed |
| October 15, 2001 Supreme Court of Canada | Application for leave to appeal filed |

PROCEDURAL HISTORY

November 8, 2000
Ontario Superior Court of Justice
(Ratushny J.)

Motion for summary judgment granted; action dismissed

June 18, 2001
Court of Appeal for Ontario
(Carthy, Doherty and Moldaver JJ.A.)

Appeal dismissed

October 17, 2001
Supreme Court of Canada

Application for leave to appeal filed

8.4.2002

Before / Devant: THE REGISTRAR

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

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

Robert Rahn

v. (28933)

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

GRANTED / ACCORDÉE Time extended to May 3, 2002.

9.4.2002

Before / Devant: THE CHIEF JUSTICE

Further order on motion for leave to intervene

Autre ordonnance sur une requête en autorisation d'intervention

BY/PAR: Robert Lavigne

IN/DANS: Clayton Charles Ruby

v. (28029)

The Solicitor General (F.C.)

GRANTED / ACCORDÉE

UPON APPLICATION by Robert Lavigne for leave to intervene in the above appeal and pursuant to the order of March 21, 2002;

IT IS HEREBY FURTHER ORDERED THAT the said intervener is granted permission to present oral argument not exceeding 10 minutes at the hearing of the appeal.

10.4.2002

Before / Devant: THE REGISTRAR

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

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

Miguel Figueroa

v. (28194)

The Attorney General of Canada (Ont.)

GRANTED / ACCORDÉE Time extended to March 26, 2002, *nunc pro tunc*.

12.4.2002

Before / Devant: MAJOR J.

Further order on motion for leave to intervene

Autre ordonnance sur une requête en autorisation d'intervention

BY/PAR: Privacy Commissioner of Canada

IN/DANS: Clayton Charles Ruby

v. (28029)

The Solicitor General (F.C.)

GRANTED / ACCORDÉE

UPON APPLICATION by Privacy Commissioner of Canada for leave to intervene in the above appeal and pursuant to the order of May 25, 2001;

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

15.4.2002

Before / Devant: THE REGISTRAR

Miscellaneous motion

Autre requête

The Estate of Manish Odhavji, Deceased, et al.

v. (28425)

Detective Martin Woodhouse, et al. (Ont.)

GRANTED / ACCORDÉE The motion to extend the time to serve and file the appellants' record, factum and books of authorities to March 27, 2002 and the respondents' record, factum and books of authorities to June 17, 2002, to reduce the number of copies of the appellants' record to 14 and to accept the lower court decisions as filed, is granted.

15.4.2002

Before / Devant: THE REGISTRAR

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

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

William Christopher Wilson

v. (28703)

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

GRANTED / ACCORDÉE Time extended to April 2, 2002.

15.4.2002

CORAM: Le Juge en chef et les juges L'Heureux-Dubé, Gonthier, Iacobucci, Major, Bastarache, Binnie, Arbour et LeBel

Motion by the respondents to quash the appeal and motion by the appellant in continuation of the appeal

Le procureur général du Québec

c. (28432)

Future Électronique Inc., et al. (Crim.)(Qué.)

Judgment:

We are all of the view that the appeal is moot, as agreed by the parties, and we see no basis for exercising the Court's discretion to hear this appeal. Accordingly, the motion is granted and the appeal is quashed.

Requête par les intimés en annulation de l'appel et requête par l'appellant en continuation de l'appel

Guy Du Pont, Louis-Martin O'Neill et Jody Shugar pour la requête en annulation.

Daniel Grégoire, Serge Brodeur et Sébastien Bergeron pour le procureur général du Québec.

Robert Frater et James L. Brunton pour l'intervenant le procureur général du Canada.

Jugement:

Nous sommes tous d'avis que l'appel est devenu théorique, comme les parties en conviennent, et qu'il n'y a pas lieu que la Cour exerce son pouvoir discrétionnaire pour entendre l'appel. Par conséquent, la requête est accordée et l'appel est annulé.

**NOTICES OF APPEAL FILED SINCE
LAST ISSUE**

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

12.4.2002

Inspector Kenneth Doern, et al.

v. (28846)

**Don Morrison, Police Complaint Commissioner, et
al. (B.C.)**

12.4.2002

Billy Taillefer

c. (28899)

Sa Majesté la Reine (Qué.)

12.4.2002

Hughes Duguay

c. (28903)

Sa Majesté la Reine (Qué.)

15.4.2002

The Crown in Right of Alberta, et al.

v. (28834)

Audrey Allen, et al. (Alta.)

**NOTICES OF DISCONTINUANCE
FILED SINCE LAST ISSUE**

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

10.4.2002

Glen Dennis Mahabir, et al.

v. (28963)

Brent O'Connor, et al. (Alta)

(leave)

**APPEALS HEARD SINCE LAST ISSUE
AND DISPOSITION**

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

16.4.2002

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

Karlheinz Schreiber

v. (28543)

**The Federal Republic of Germany and the Attorney
General of Canada (Ont.) (Civil) (By Leave)**

Edward L. Greenspan, Q.C. and David Stratas for the
appellant.

Ed Morgan for the respondent the Federal Republic of
Germany.

Brian J. Saunders and Michael H. Morris for the
respondent Attorney General of Canada.

David Matas and Michael Bossin for the intervener
Amnesty International Canadian Section

Malcolm N. Ruby for the intervener United States of
America.

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

International Law - Sovereign Immunity - Republic of
Germany requested extradition of Appellant from
Canada - Appellant arrested and detained in Canada -
Appellant brought action for damages for personal
injuries in the form of mental distress, denial of liberty
and damage to reputation - Legislation conferring
immunity on foreign states from jurisdiction of Canadian
courts - Whether the Court of Appeal erred in holding
that the term "personal injury" in s. 6(a) of the *State
Immunity Act* applies only to claims of physical injury,
and does not apply to wrongful imprisonment - Whether
the exception in s. 4(2)(b) of the *State Immunity Act*
applies.

Nature de la cause:

Droit international - Immunité de juridiction -
L'Allemagne a demandé l'extradition de l'appellant -
Arrestation et détention de l'appellant au Canada -
L'appellant a déposé une action en dommages-intérêts
parce qu'il aurait subi des dommages corporels sous
forme de souffrance mentale, d'atteinte à la liberté et de
préjudice à la réputation - La loi confère aux États
étrangers une immunité de juridiction devant tout
tribunal au Canada - La Cour d'appel a-t-elle commis
une erreur en concluant que l'expression « dommages
corporels » contenue à l'al. 6a) de la *Loi sur l'immunité
des États* s'applique uniquement aux allégations de
préjudice physique, et non aux emprisonnements
illégaux? - L'exception prévue à l'al. 4(2)b) de la *Loi
sur l'immunité des États* s'applique-t-elle?

17.4.2002

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

Her Majesty The Queen

v. (28748)

Allen Michael Carlos (Y.T.) (Criminal) (As of Right)

Graham R. Garton, Q.C. and David A. McWhinnie for
the appellant.

Richard A. Fritze for the respondent.

**ACQUITTAL SET ASIDE, CONVICTION ENTERED ON ALL 3 COUNTS AND MATTER REMITTED TO
TRIAL JUDGE FOR SENTENCING /**

**ACQUITTEMENT ANNULÉ, DÉCLARATION DE CULPABILITÉ INSCRITE À L'ÉGARD DES 3 CHEFS
D'ACCUSATION ET AFFAIRE RENVOYÉE AU JUGE DU PROCÈS POUR DÉTERMINATION DE LA PEINE**

ARBOUR J. (orally):

This is an appeal as of right by the Crown.

Accepting, as we must, the findings of fact made by the trial judge, we disagree with the majority of the Yukon Court of Appeal ((2001), 155 C.C.C. (3d) 459) that the *actus reus* of storage, within the meaning of s. 86(1) of the *Criminal Code*, R.S.C. 1985, c. C-46, has not been made out.

There is no requirement in that section that the accused plan a long term or permanent storage. The trial judge found that the respondent deposited a loaded .357 Magnum in an ill-planned temporary hiding spot. In all the circumstances, in our view, this amounted to storage within the meaning of s. 86(1) of the *Code*. The same applies to the temporary placing of the two loaded handguns inside a locked safe.

In the circumstances of this case, where the respondent, as he put it, rapidly set aside and hid his loaded firearms, in a panicked state, intending to retrieve them shortly thereafter, the facts amply support the conclusion that he stored them within the meaning of that section.

[TRANSLATION] LE JUGE ARBOUR (oralement) :

Le présent appel est interjeté de plein droit par le ministère public.

Après avoir accepté, comme il se doit, les conclusions de fait de la juge du procès, nous ne partageons pas l'avis des juges majoritaires de la Cour d'appel du Yukon ((2001), 155 C.C.C. (3d) 459) que l'*actus reus* de l'entreposage, au sens du par. 86(1) du *Code criminel*, L.R.C. 1985, ch. C-46, n'a pas été prouvé.

Ce paragraphe n'exige nullement que l'accusé prévoie un entreposage à long terme ou permanent. La juge du procès a conclu que l'intimé avait caché un pistolet Magnum de calibre .357 dans un endroit temporaire mal choisi. Compte tenu de l'ensemble des circonstances, nous estimons qu'il s'agissait d'une forme d'entreposage au sens du par. 86(1) du *Code*. Cela vaut autant en ce qui concerne le fait d'avoir placé temporairement les deux armes de poing chargées dans un coffre-fort verrouillé.

Dans les circonstances de la présente affaire, où l'intimé, pris de panique, s'est empressé, selon ses propres paroles, de ranger et cacher ses armes chargées avec l'intention de les récupérer peu après, les faits étayent amplement la conclusion qu'ils les a entreposés au sens de ce paragraphe.

There are obviously circumstances where a short interruption in the use or handling of firearms would still constitute use or handling rather than storage. In this case however, the respondent took steps to put away and hide his weapons such that the proper characterization of his actions was that he stored them,

albeit temporarily, rather than continue his use and handling of the firearms in plain view of the police.

We are of the view that the storage was careless in one case, and in contravention of the regulations in the other two. We therefore agree with Ryan J.A. dissenting in the Court of Appeal that the acquittals must be set aside and convictions entered on all three counts. The matter is remitted to the trial judge for sentencing.

Nature of the case:

Criminal law - Statutes - Interpretation - Firearms - Meaning of "storage" - Whether the Court of Appeal erred in finding that the firearm in question had not been "stored" within the meaning of s. 86 of the *Criminal Code*, and in failing to enter verdicts of guilty against the Respondent with respect to all three of the offences with which he had been charged.

Il existe des circonstances manifestes où une brève interruption de l'utilisation ou de la manipulation d'armes à feu constitue néanmoins une utilisation ou manipulation et non un entreposage. En l'espèce, toutefois, l'intimé a pris des mesures pour ranger et cacher ses armes de sorte qu'il convient de considérer qu'il les a entreposées, quoique temporairement, au lieu de continuer à les utiliser et à les manipuler sous les yeux des policiers.

Nous sommes d'avis que l'entreposage était négligent dans un cas, et contraire aux règlements dans les deux autres cas. Nous sommes donc d'accord avec le juge Ryan, dissidente en Cour d'appel, pour dire que les acquittements doivent être annulés et que des déclarations de culpabilité doivent être inscrites relativement aux trois chefs d'accusation. L'affaire est renvoyée à la juge du procès pour qu'elle prononce la sentence.

Nature de la cause:

Droit criminel - Lois - Interprétation - Armes à feu - Signification du terme « entreposage » - La Cour d'appel a-t-elle commis une erreur en concluant que l'arme à feu en question n'avait pas été « entreposée » au sens de l'art. 86 du *Code criminel*, et en omettant d'inscrire des verdicts de culpabilité contre l'intimé relativement aux trois infractions dont il est accusé?

17.4.2002

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

V.C.A.S.

Mark Wasyliw and Greg Brodsky, Q.C. for the appellant.

v. (28671)

Her Majesty the Queen (Man.) (Criminal) (As of Right)

Gregg Lawlor for the respondent

DISMISSED, LEBEL J. DISSIDENTING / REJETÉ, LE JUGE LEBEL EST DISSIDENT

THE CHIEF JUSTICE:

Mr. Lawlor, it will not be necessary to hear from you. The Court is ready to hand down judgment.

Mr. Justice Iacobucci will give the judgment for the Court.

IACOBUCCI J. (orally):

This appeal comes to us as of right.

At the outset, it is important to note the essential supervisory role of courts of appeal in carefully scrutinizing the reasonableness of verdicts. In this respect, we are mindful of the cogent factors identified by Twaddle J.A., dissenting in the Manitoba Court of Appeal in this case. However, in the final analysis, we do not see any reason to differ with the disposition arrived at by Helper J.A. for the majority of the Court of Appeal. Accordingly, the appeal is dismissed. Mr. Justice LeBel, dissenting, would have allowed the appeal substantially for the reasons of Twaddle J.A., and quashed the conviction for sexual assault.

Nature of the case:

Criminal law - Evidence - Appellate review - Assault and sexual assault - Child complainant - Whether verdict on sexual assault unreasonable - Whether the trial judge reviewed the evidence in a manner to avoid the unjust conviction on a suspicious allegation of sexual abuse - Whether the majority of the Court of Appeal granted an undue degree of deference to the findings of the trial judge and failed to exercise their powers of review.

[TRANSLATION] LE JUGE EN CHEF :

Il ne sera pas nécessaire de vous entendre M^o Lawlor. La Cour est prête à rendre jugement séance tenante, lequel sera prononcé par le juge Iacobucci.

LE JUGE IACOBUCCI (oralement) :

Il s'agit en l'espèce d'un appel de plein droit.

Il importe, au départ, de noter le rôle de surveillance essentiel que jouent les cours d'appel en examinant attentivement le caractère raisonnable des verdicts. À cet égard, nous sommes conscients des facteurs pertinents que le juge Twaddle, dissident en Cour d'appel du Manitoba, a relevés en l'espèce. En dernière analyse, toutefois, nous ne voyons aucune raison de ne pas souscrire à la décision rendue par le juge Helper, au nom de la Cour d'appel à la majorité. L'appel est donc rejeté. Le juge LeBel, dissident, aurait accueilli l'appel essentiellement pour les mêmes raisons que le juge Twaddle et il aurait annulé la déclaration de culpabilité d'agression sexuelle.

Nature de la cause:

Droit criminel - Preuve - Révision en appel - Voies de fait et agression sexuelle - Plaignant mineur - Le verdict était-il déraisonnable? - Le juge du procès a-t-il analysé la preuve de manière à éviter de prononcer une déclaration de culpabilité injuste relativement à une allégation douteuse d'agression sexuelle? - Les juges majoritaires de la Cour d'appel ont-ils fait preuve d'une retenue indue à l'égard des conclusions du juge du procès et ont-ils fait défaut d'exercer leur pouvoir de révision?

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 : **May 13, 2002**
Service : April 22, 2002
Filing : April 26, 2002
Respondent : May 3, 2002

Motion day : **June 10, 2002**
Service : May 17, 2002
Filing : May 24, 2002
Respondent : May 31, 2002

DEVANT LA COUR:

Conformément à l'article 23.1 des *Règles de la Cour suprême du Canada*, les délais suivants doivent être respectés pour qu'une requête soit entendue par la Cour :

Audience du : **13 mai 2002**
Signification : 22 avril 2002
Dépôt : 26 avril 2002
Intimé : 3 mai 2002

Audience du : **10 juin 2002**
Signification : 17 mai 2002
Dépôt : 24 mai 2002
Intimé : 31 mai 2002

DEADLINES: APPEALS

The Spring Session of the Supreme Court of Canada will commence April 15, 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:

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

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

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

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

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

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

DÉLAIS: APPELS

La session du printemps de la Cour suprême du Canada commencera le 15 avril 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 inscrit pour audition:

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 du mémoire 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.

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

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

SUPREME COURT OF CANADA SCHEDULE
CALENDRIER DE LA COUR SUPREME

- 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