

**SUPREME COURT
OF CANADA**



**COUR SUPRÊME
DU CANADA**

**BULLETIN OF
PROCEEDINGS**

**BULLETIN DES
PROCÉDURES**

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Le Bulletin rassemble les procédures devant la Cour dans la langue du dossier. Quand un arrêt est rendu, on peut se procurer les motifs de jugement en adressant sa demande à la registraire, accompagnée de 10 \$ par exemplaire. Le paiement doit être fait à l'ordre du Receveur général du Canada.

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**APPLICATIONS FOR LEAVE TO
APPEAL FILED**

Halifax Employers Association

Brian G. Johnston, Q.C.
Stewart, McKelvey, Stirling, Scales

v. (30589)

**Halifax Longshoremen's Association, ILA Local
269 (N.S.)**

Ronald A. Pink, Q.C.
Pink, Breen, Larkin

FILING DATE 15.10.2004

**Chase Keller, by his next friend Arlene Keller, et
al.**

Patrick D. Kirwin
Kirwin & Kirwin

v. (30572)

Patricia A. Penkoske (Alta.)

James Heelan
Bennett Jones

FILING DATE 21.10.2004

Ben Sutcliffe, et al.

Richard D. Lindgren
Canadian Environmental Law Association

v. (30590)

**Minister of the Environment (Ontario), et al.
(Ont.)**

E. Ria Tzimas
A.G. of Ontario

- and between -

The Mohawks of the Bay of Quinte

Patrick Schindler

v. (30590)

**Minister of the Environment (Ontario), et al.
(Ont.)**

E. Ria Tzimas
A.G. of Ontario

FILING DATE 22.10.2004

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

Ontario (Minister of Finance)

Anita C. Veiga-Minhinnett
A.G. of Ontario

v. (30580)

Placer Dome Canada Limited (Ont.)

Al Meghji
Osler, Hoskin & Harcourt

FILING DATE 27.10.2004

Worthington Corporation

Claude Nadeau
Laflamme, Nadeau

v. (30581)

Atlas Turner Inc., et al. (Que.)

Richard Dufour
Dufour, Mottet

FILING DATE 29.10.2004

Alexander Szabo

Frank Pappas

c. (30585)

Sa Majesté la Reine (Qc)

Mario Longpré
P.G. du Québec

DATE DE PRODUCTION 1.11.2004

NOVEMBER 8, 2004 / LE 8 NOVEMBRE 2004

**CORAM: Chief Justice McLachlin and Binnie and Charron JJ.
La juge en chef McLachlin et les juges Binnie et Charron**

Andrew Seymour Stewart

v. (30326)

United States of America (Crim.) (Ont.)

NATURE OF THE CASE

Canadian *Charter* - Criminal law - Extradition - Whether s. 32(1)(a) of the *Extradition Act* is unconstitutional in that it violates s. 7 of the *Charter*.

PROCEDURAL HISTORY

July 3, 2003
Ontario Superior Court of Justice
(Hamilton J.)

Applicant committed for extradition for fraud contrary to s. 380(1) of the *Criminal Code*

May 14, 2004
Court of Appeal for Ontario
(Laskin, Feldman and Blair JJ.A.)

Appeal dismissed

July 15, 2004
Supreme Court of Canada

Application for leave to appeal filed

Patrick Manningham

v. (30223)

United States of America

- and -

Patrick Manningham

v. (30223)

The Minister of Justice for Canada (Crim.) (Ont.)

NATURE OF THE CASE

Canadian *Charter* - Criminal law - Statutes - Interpretation - Extradition - Money laundering charge - Whether Court of Appeal erred in relying on their decision in *U.S.A. v. Yang* which upheld constitutional validity of ss. 32-34 of the *Extradition Act* - Whether ss. 32 and 34 of the *Extradition Act* are unconstitutional - Whether s. 29 of the Act requires the extradition judge to define conduct - Whether the Minister committed a reviewable error with respect to the application of ss. 6 and 7 of the *Charter*.

PROCEDURAL HISTORY

January 31, 2000 Ontario Superior Court of Justice (Dambrot J.)	Applicant committed for extradition on all charges relating to violations of ss. 5(1), 6(1) and 8(1) of the <i>Controlled Drugs and Substances Act</i> and s. 465(1)(c) of the <i>Criminal Code</i>
September 27, 2002 Office of the Minister of Justice (The Honourable Martin Cauchon, P.C., M.P.)	Applicant's surrender to the United States of America ordered
November 8, 2002 Court of Appeal for Ontario (Laskin J.)	Sealing order for appeal book and file granted
March 10, 2004 Court of Appeal for Ontario (Laskin, Moldaver and Goudge JJ.A.)	Applicant's appeal from committal order and application for judicial review of the Minister's surrender decision dismissed
June 11, 2004 Supreme Court of Canada	Application for leave to appeal and motion for an extension of time filed

**CORAM: Major, Fish and Abella JJ.
Les juges Major, Fish et Abella**

Clifford Barry Howdle

v. (30439)

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

NATURE OF THE CASE

Criminal Law (Non Charter) - Sentencing - Dangerous Offender - Whether Court of Appeal erred in determining that the trial judge did not err in declaring the Applicant as a dangerous offender.

PROCEDURAL HISTORY

June 21, 2002 Court of Queen's Bench for Saskatchewan (Laing J.)	Applicant convicted of seventeen <i>Criminal Code</i> offences, including five counts of sexual assault, four counts of unlawful confinement and three counts of assault with a weapon contrary to ss. 271, 279(2) and 267 of the <i>Criminal Code</i> , respectively
November 5, 2002 Court of Queen's Bench for Saskatchewan (Laing J.)	Applicant's application for nullification of dangerous offender proceedings, denied; Applicant remanded for a further 30-day period pursuant to s. 752.1 of the <i>Criminal Code</i> , to allow for psychiatric assessment
July 9, 2003 Court of Queen's Bench for Saskatchewan (Laing J.)	Applicant declared a dangerous offender pursuant to s. 753 of the <i>Criminal Code</i> ; Applicant sentenced to an indeterminate period of detention pursuant to s. 753(4) of the <i>Criminal Code</i>

March 16, 2004
Court of Appeal for Saskatchewan
(Vancise, Sherstobitoff and Jackson, JJ.A.)

Appeal against conviction and dangerous offender status
dismissed

July 26, 2004
Supreme Court of Canada

Application for leave to appeal filed

CIT Financial Ltd.

v. (30445)

Her Majesty the Queen (F.C.)

NATURE OF THE CASE

Taxation - Assessment - Whether the rental income the asset purchased would produce could be ignored in valuing the asset - Whether a finding made by a trial judge is reviewable as a question of law where the trial judge has ignored the proper principles in arriving at his determination.

PROCEDURAL HISTORY

October 2, 2003
Tax Court of Canada
(Bowman J.)

Appeal from assessment under the *Income Tax Act*
allowed; reassessment referred back to the Minister of
National Revenue for reconsideration

May 20, 2004
Federal Court of Appeal
(Décary, Sexton and Malone JJ.A.)

Appeal dismissed

August 4, 2004
Supreme Court of Canada

Application for leave to appeal filed

Georges Agazarian

v. (30399)

Her Majesty the Queen (F.C.)

NATURE OF THE CASE

Taxation - Assessment - Statutes - Interpretation - *Income Tax Act*, R.S.C. 1985, c. 1 (5th supp.) as amended - Extended reassessment provisions - Whether Minister of National Revenue has the power to reassess a person's tax for the year within or beyond time limitations imposed by the *Act* in s. 152(4)(b)(i).

PROCEDURAL HISTORY

January 6, 2003
Tax Court of Canada
(Bell J.T.C.C.)

Applicant's motion for the determination of a point of law
pursuant to Rule 58 of the *Tax Court of Canada Rules*
(*General Procedure*), granted

April 23, 2004
Federal Court of Appeal
(Létourneau, Nadon and Pelletier JJ.A.)

Appeal allowed; Minister deemed to have the power to
reassess the Applicant more than once beyond the normal
assessment period

June 21, 2004
Supreme Court of Canada

Application for leave to appeal filed

November 4, 2004
Supreme Court of Canada
(McLachlin, C.J.)

Applicant's miscellaneous motion to cross-examine David William Turner on the affidavit filed in the Respondent's material dismissed

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

James Henderson

v. (30150)

Allstate Insurance Company of Canada (Ont.)

NATURE OF THE CASE

Labour Law - Insurance - Benefits - Whether an employed insured who declines an employer's historical obligation to offer "regular work" further to the Ontario *Workers Compensation Act* is excluded from disability indemnity as an employed person under the Ontario *Insurance Act* of the statutory accident benefits regime? If an employed insured is excluded from consideration for "employed" statutory accident benefits is the insured treated equally before the law?

PROCEDURAL HISTORY

November 19, 2001
Ontario Superior Court of Justice
(Mossip J.)

Applicant's claim for disability benefits pursuant to s.12 (1) of the *Insurance Act*, dismissed

October 31, 2003
Court of Appeal for Ontario
(O'Connor A.C.J.O., Moldaver and Gillese JJ.A.)

Appeal dismissed

July 29, 2004
Supreme Court of Canada

Application for leave to appeal and motion to extend time filed

R.V.M.

c. (30499)

M.B.G.A., le procureur général du Québec et le Directeur de la protection de la jeunesse (Qc)

NATURE DE LA CAUSE

Droit de la famille - Garde - Enlèvement international d'enfants - Quel est le jour de départ pour fin de computation du délai d'un an prévu à l'art. 20 de la *Loi sur les aspects civils de l'enlèvement international et interprovincial d'enfants*, L.R.Q., ch. A-23.01, et à l'art. 12 de la *Convention sur les aspects civils de l'enlèvement international d'enfants*, R.T. Can. 1983 n° 35, et donnant ouverture à la défense d'intégration? - Quels sont les critères à retenir pour l'application de la notion d'intégration prévue à ces deux dispositions? - Est-ce que la correspondance et la documentation échangées pendant le délibéré d'une cour d'appel, entre les procureurs et les juges, peuvent être considérées comme éléments de preuve pour étayer le jugement de la Cour d'appel? - La Cour d'appel peut-elle substituer son opinion à celle de la Cour supérieure relativement à des questions de faits et ce, sans justification?

HISTORIQUE DES PROCÉDURES

Le 7 janvier 2004 Cour supérieure du Québec (Le juge Marx)	Requête du demandeur pour retour immédiat de son enfant au Mexique accueillie; garde confiée au demandeur jusqu'au retour
Le 8 juin 2004 Cour d'appel du Québec (Le juge en chef Robert et les juges Mailhot et Morin [dissident])	Appel accueilli et requête rejetée
Le 7 septembre 2004 Cour suprême du Canada	Demande d'autorisation d'appel déposée

NOVEMBER 10, 2004 / LE 10 NOVEMBRE 2004

**CORAM: Chief Justice McLachlin and Binnie and Charron JJ.
La juge en chef McLachlin et les juges Binnie et Charron**

The Immigration and Refugee Board

v. (30564)

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

NATURE OF THE CASE

Administrative law - Jurisdiction - Judicial review - Procedural law - Appeal - Standing - Interveners - Whether the Federal Court of Appeal erred by applying the wrong test to a tribunal's application for leave to intervene in a judicial review of its decision - Whether the Federal Court of Appeal erred by denying the Immigration and Refugee Board intervenor standing in this case.

PROCEDURAL HISTORY

July 23, 2004 Federal Court of Appeal (Noël J.A.)	Applicant's application for leave to intervene denied
September 28, 2004 Supreme Court of Canada	Application for leave to appeal filed
November 1, 2004 Supreme Court of Canada	Applicant's motion to be added or substituted as a party and to expedite the leave application, filed

NOVEMBER 12, 2004 / LE 12 NOVEMBRE 2004

30317 **Attorney General of British Columbia v. Lafarge Canada Inc., Vancouver Port Authority, Burrardview Neighbourhood Association, City of Vancouver** (B.C.) (Civil) (By Leave)

Coram: McLachlin C.J. and Binnie and Charron JJ.

The application for leave to appeal from the judgment of the Court of Appeal for British Columbia (Vancouver), Numbers CA30256 and CA30269, dated February 27, 2004, is granted without costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Colombie-Britannique (Vancouver), numéros CA30256 et CA30269, daté du 27 février 2004, est accordée sans dépens.

NATURE OF THE CASE

Constitutional law - Division of powers - Public property - Administrative law - Which level of government has the constitutional jurisdiction to legislate land use in relation to lands not owned by the federal Crown or its agents, where the federal Crown exercises some degree of control over the land-owner - What is the test for determining whether property held by an entity other than the federal Crown is "public property" for the purposes of s. 91(1A) of the *Constitution Act, 1867* - Can property owned by a federal Crown corporation, in circumstances where such corporation is not holding such property as an agent of the federal Crown, be deemed to be "public property" pursuant to s. 91(1A) of the *Constitution Act, 1867* - Whether there is interjurisdictional immunity from the operation of a municipal by-law where there is no infringement on an area of exclusive federal jurisdiction, namely navigation and shipping.

PROCEDURAL HISTORY

October 7, 2002 Supreme Court of British Columbia (Lowry J.)	Burrardview Neighbourhood Association's application for declaratory and injunctive relief, granted; property not considered public property under s. 91(1A) of the <i>Constitution Act, 1867</i>
February 27, 2004 Court of Appeal for British Columbia (Finch C.J.B.C., Mackenzie and Thackray JJ.A.)	Appeal allowed; Petition dismissed
April 27, 2004 Supreme Court of Canada	Application for leave to appeal filed

30328 **Ivan Morris, Carl Olsen v. Her Majesty the Queen** (B.C.) (Civil) (By Leave)

Coram: McLachlin C.J. and Binnie and Charron JJ.

The application for leave to appeal from the judgment of the Court of Appeal for British Columbia (Vancouver), Numbers CA029851 and CA029852, dated March 3, 2004, is granted with costs to the applicants in any event of the cause. The application to cross-appeal is dismissed.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Colombie-Britannique (Vancouver), numéros CA029851 et CA029852, daté du 3 mars 2004, est accordée avec dépens en faveur des demandeurs quelle que soit l'issue de l'appel. La demande d'autorisation d'appel incident est rejetée.

NATURE OF THE CASE

Native law - Constitutional law - Aboriginal rights - Hunting at night - Whether *bona fide* safety regulations such as prohibition on night hunting conflict with Douglas Treaty right to hunt - What is the proper definition, in a dispute concerning treaty rights, of the exclusive federal jurisdiction in s. 91(24) of the *Constitution Act, 1867* over “Indians and the Lands reserved for Indians”? - Are treaty rights to be interpreted in their modern context by restricting their scope with contemporary safety regulations? - What is the scope of the protection from provincial laws accorded to treaty rights under s. 88 of the *Indian Act*?

PROCEDURAL HISTORY

June 11, 1999
Provincial Court of British Columbia
(Higinbotham J.)

Applicants convicted of hunting with a firearm during prohibited hours and hunting by the use or with the aid of a light or illuminating device contrary to s. 27(1)(d) and (e) of the *Wildlife Act* Applicant Olsen, convicted of discharging a firearm at wildlife from a motor vehicle contrary to s. 28(1) of the *Wildlife Act*

May 24, 2002
Supreme Court of British Columbia
(Singh J.)

Appeal from conviction dismissed

March 3, 2004
Court of Appeal for British Columbia
(Lambert [*dissenting*], Huddart and Thackray JJ.A.)

Appeal dismissed

May 3, 2004
Supreme Court of Canada

Application for leave to appeal filed

June 3, 2004
Supreme Court of Canada

Application for leave to cross- appeal filed.

30319 **Her Majesty the Queen v. Dennis Rodgers** (Ont.) (Criminal) (By Leave)

Coram: **Major, Fish and Abella JJ.**

The application for an extension of time and the applications for leave to appeal and cross-appeal from the judgment of the Court of Appeal for Ontario, Number C37238, dated March 15, 2004, are granted.

La demande de prorogation de délai et les demandes d'autorisation d'appel et d'appel-incident de l'arrêt de la Cour d'appel de l'Ontario, numéro C37238, daté du 15 mars 2004, sont accordées.

NATURE OF THE CASE

Canadian Charter - Criminal - Criminal Law - DNA warrants - Authorization to take bodily samples from a repeat sex offender on parole granted in *ex parte* proceedings under s. 487.055 of the *Criminal Code* - Whether interpretation of s. 487.055 that authorization proceedings ought not to have been presumed to proceed *ex parte* brings into question the validity of an important component of the national DNA data bank - Whether Court of Appeal erred in determining that s. 7 of the *Charter* precludes *ex parte* proceedings in the absence of proof of urgency or necessity - Whether notice required - Whether Court of Appeal erred by quashing authorization where respondent suffered no prejudice from failure to give notice.

PROCEDURAL HISTORY

November 6, 2003 Ontario Superior Court of Justice (Trainor J.)	Applications to declare s. 487.055 of the <i>Criminal Code</i> unconstitutional or to declare that authorizing judge lost jurisdiction by proceeding <i>ex parte</i> , dismissed
March 15, 2004 Court of Appeal for Ontario (Doherty, Cronk and Borins JJ.A)	Appeals allowed in part; declaration of constitutionality upheld, declaration jurisdiction was lost by proceeding <i>ex parte</i> granted, matter remitted for determination
May 13, 2004 Supreme Court of Canada	Application for leave to appeal filed

30334 **Julio Esteban v. The Minister of Citizenship and Immigration** (FC) (Civil) (By Leave)

Coram: Major, Fish and Abella JJ.

The application for an extension of time is granted and the application for leave to appeal from the judgment of the Federal Court of Appeal, Number A-374-03, dated March 3, 2004, is granted with costs to the applicant in any event of the cause. This case will be heard with *Olga Medovarski v. The Minister of Citizenship and Immigration* (30332).

La demande de prorogation de délai est accordée et la demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro A-374-03, daté du 3 mars 2004, est accordée avec dépens en faveur du demandeur quelle que soit l'issue de l'appel. Cet appel sera entendu avec *Olga Medovarski c. Ministre de la Citoyenneté et de l'Immigration* (30332).

NATURE OF THE CASE

Statutes - Interpretation - Administrative Law - Immigration law - Judicial review - Statutory stay - Retrospective and retroactive amendments - To what extent should the principle of statutory interpretation of applying the scheme of the legislation be allowing to trump or outweigh other principles of statutory interpretation when interpreting an ambiguous statutory provision? - "Does the word "stay" in s. 196 of the *Immigration and Refugee Protection Act* contemplate a stay that came into effect under the *Immigration Act*, R.S.C. 1985, c. I-2 as a result of the operation of paragraph 49(1)(b)?"

PROCEDURAL HISTORY

July 29, 2003 Federal Court of Canada, Trial Division (Dawson J.)	Applicant's application for judicial review, allowed; decision of Registrar of the Immigration Appeal Division, set aside
March 3, 2004 Federal Court of Appeal (Rothstein, Evans and Pelletier JJ.A[dissenting])	Appeal allowed; Federal Court Trial Division's decision reversed; application for judicial review, dismissed;
May 6, 2004 Supreme Court of Canada	Application for leave to appeal filed

30332 **Olga Medovarski v. The Minister of Citizenship and Immigration** (FC) (Civil) (By Leave)

Coram: Major, Fish and Abella JJ.

The application for leave to appeal from the judgment of the Federal Court of Appeal, Number A-249-03, dated March 3, 2004, is granted with costs to the applicant in any event of the cause. This case will be heard with Julio Esteban v. Minister of Citizenship and Immigration (30334).

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro A-249-03, daté du 3 mars 2004, est accordée avec dépens en faveur de la demanderesse quelle que soit l'issue de l'appel. Cet appel sera entendu avec Julio Esteban c. Ministre de la Citoyenneté et de l'Immigration (30334).

NATURE OF THE CASE

Statutes - Interpretation - Administrative law - Immigration law - Statutory interpretation - Statutory stay - Retrospective and retroactive amendments - Whether “stay” in *Immigration and Refugee Protection Act*, s. 196 includes automatic stay under old *Immigration Act* - Whether right to appeal deportation order extinguished in case of permanent resident convicted of serious criminal offense - Whether the Federal Court of Appeal erred in its interpretation that the Applicant’s right to appeal to the IAD was extinguished by section 196 of the *IRPA* - Specifically, whether the Federal Court of Appeal failed to apply the proper principles of statutory interpretation, and in particular failed to consider the presumption when dealing with interpretation of transitional provisions that the rights of individuals protected should be presumed to be protected absent explicit language extinguishing these rights - Second, whether *R. c. Daoust* 2004 SCC 6, a decision dealing with the interpretation of bilingual statutes in the criminal context, applies to non-criminal proceedings where rights are being extinguished.

PROCEDURAL HISTORY

August 12, 2002 Immigration and Refugee Board, Appeal Division (Budnak, Registrar)	Applicant’s appeal against deportation order discontinued for want of jurisdiction
May 20, 2003 Federal Court of Canada (Snider J.)	Applicant’s application for judicial review allowed
March 3, 2004 Federal Court of Appeal (Rothstein, Evans and Pelletier JJ.A.)	Respondent’s appeal allowed; Federal Court’s decision reversed; application for judicial review dismissed
May 3, 2004 Supreme Court of Canada	Application for leave to appeal filed

1.11.2004

Before / Devant: FISH J.

Further order on motion for leave to intervene

Autre ordonnance sur une requête en autorisation d'intervention

BY / PAR: Friends of the Earth / Les Ami(e)s de la Terre, Georgia Strait Alliance, T. Buck Suzuki Environmental Foundation and West Coast Environmental Law Association

IN / DANS: North Fraser Harbour Commission, et al.

v. (29971)

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

UPON APPLICATION by Friends of the Earth / Les Ami(e)s de la Terre, Georgia Strait Alliance, T. Buck Suzuki Environmental Foundation and West Coast Environmental Law Association, for leave to intervene in the above appeal and pursuant to the order of September 3, 2004;

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.

1.11.2004

Before / Devant: LEBEL J.

Further order on motion for leave to intervene

Autre ordonnance sur une requête en autorisation d'intervention

BY / PAR: Fédération des ordres professionnels de juristes du Canada

IN / DANS: Procureur général du Québec, et al.

c. (30477)

Conférence des juges du Québec, et al. (Qc)

Her Majesty the Queen in Right of Alberta, et al.

v. (29525)

Chereda Bodner, et al. (Alta.)

Provincial Court Judges' Association
of New Brunswick, et al.

v. (30006)

Her Majesty the Queen in Right of
the Province of New Brunswick as
represented by the Minister of Justice
(N.B.)

The Ontario Judges' Association, et
al.

v. (30148)

Her Majesty the Queen in Right of
the Province of Ontario, as
represented by the Chair of
Management Board (Ont.)

À LA SUITE DE LA DEMANDE de la Fédération des ordres professionnels de juristes du Canada visant à obtenir l'autorisation d'intervenir dans les appels susmentionnés et suite à l'ordonnance du 26 octobre 2004;

IL EST EN OUTRE ORDONNÉ que la plaidoirie de l'intervenante soit ainsi limitée à quinze (15) minutes au total.

UPON APPLICATION by the Federation of Law Societies of Canada for leave to intervene in the above appeals and pursuant to the order of October 26, 2004;

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

2.11.2004

Before / Devant: MAJOR J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY / PAR: Canadian Association for
Community Living and the
Ethno-Racial People with
Disabilities Coalition of
Ontario

IN / DANS: David Hilewitz

v. (30125)

The Minister of Citizenship
and Immigration (FC)

and between

Dirk de Jong

v. (30127)

The Minister of Citizenship
and Immigration (FC)

GRANTED / ACCORDÉE

UPON APPLICATION by the Canadian Association for Community Living and the Ethno-Racial People with Disabilities Coalition of Ontario for leave to intervene in the above appeal;

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The motion for leave to intervene of the applicants, Canadian Association for Community Living and the Ethno-Racial People with Disabilities Coalition of Ontario, is granted and the applicants shall be entitled to serve and file a joint factum not to exceed 20 pages in length.

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

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

Pursuant to Rule 59(1)(a) the interveners shall pay to the appellants and respondents any additional disbursements occasioned to the appellants and respondents by their intervention.

2.11.2004

Before / Devant: THE REGISTRAR

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

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

Her Majesty the Queen

v. (30480)

S.J.D. (Ont.) (Crim.)

GRANTED / ACCORDÉE Time extended to October 13, 2004.

3/11/2004

Before / Devant: MAJOR J.

Motion to extend the time in which to serve and file the respondents' joint factum, record, and book of authorities and to present oral argument at the hearing of the appeal

Requête des intimés en prorogation du délai de signification et de dépôt de leur mémoire, dossier et recueil de sources conjoint, et en vue de présenter une plaidoirie orale lors de l'audition de l'appel

Lafferty, Harwood & Partners Ltd., et al.

v. (30103)

Jacques Parizeau, et al. (Que.)

GRANTED / ACCORDÉE

À LA SUITE D'UNE DEMANDE des intimés visant à obtenir une prorogation de délai pour signifier et déposer leur mémoire, dossier et recueil de sources conjoint au 25 octobre 2004 et pour obtenir l'autorisation de plaider oralement lors de l'audition de l'appel;

ET APRÈS AVOIR PRIS CONNAISSANCE de la documentation déposée;

IL EST PAR LA PRÉSENTE ORDONNÉ CE QUI SUIT:

La requête est accordée.

UPON APPLICATION by the respondents for an order extending the time to serve and file their joint factum, record and book of authorities to October 25, 2004, and for an order permitting the respondents to present oral argument at the hearing of this appeal.

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The motion is granted.

3.11.2004

Before / Devant: MAJOR J.

Motions for leave to intervene

Requêtes en autorisation d'intervention

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

IN / DANS: Sameer Mapara

v. (29750)

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

GRANTED / ACCORDÉES

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

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The motion for leave to intervene of the applicant, the Attorney General of Canada, is granted and the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length on or before December 3, 2004.

The motion for leave to intervene of the applicant, the Attorney General of Ontario, is granted and the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length on or before December 3, 2004.

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

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

Pursuant to Rule 59(1)(a) the interveners shall pay to the appellant and respondent any additional disbursements occasioned to the appellant and respondent by their intervention.

IT IS HEREBY FURTHER ORDERED THAT:

The appellant is granted leave to serve and file a single 20 page reply factum on or before December 10, 2004.

3.11.2004

Before / Devant: MAJOR J.

Motion to extend the time in which to serve and file the factum and joint book of authorities of the intervener the Attorney General of Saskatchewan and to present 15 minutes of oral argument at the hearing of the appeal

Requête de l'intervenant le procureur général de la Saskatchewan en prorogation du délai de signification et de dépôt de ses mémoire et recueil de sources conjoint, et en vue de présenter une plaidoirie orale de 15 minutes lors de l'audition de l'appel

Her Majesty the Queen in Right of Alberta, et al.

v. (29525)

Chereda Bodner, et al. (Alta.)

GRANTED / ACCORDÉE Time extended to October 8, 2004.

3.11.2004

Before / Devant: MAJOR J.

Motion to extend the time in which to serve and file the factum and joint book of authorities of the intervener the Attorney General of Saskatchewan and to present 15 minutes of oral argument at the hearing of the appeal

Provincial Court Judges' Association of New Brunswick, et al.

v. (30006)

Her Majesty the Queen in Right of the Province of New Brunswick as represented by the Minister of Justice (N.B.)

GRANTED / ACCORDÉE Time extended to October 8, 2004.

4.11.2004

Before / Devant: THE CHIEF JUSTICE

Motion to state a constitutional question

Terry Lee May, et al.

v. (30083)

Warden of Ferndale Institution, et al. (B.C.)

DISMISSED / REJETÉE

UPON APPLICATION by the appellants for an order stating constitutional questions in the above appeal;

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The application to state constitutional questions is dismissed.

Requête de l'intervenant le procureur général de la Saskatchewan en prorogation du délai de signification et de dépôt de ses mémoire et recueil de sources conjoint, et en vue de présenter une plaidoirie orale de 15 minutes lors de l'audition de l'appel

Requête pour formulation d'une question constitutionnelle

4.11.2004

Before / Devant: THE REGISTRAR

Motion for substitutional service of the respondents' response

Requête en substitution de signification de la réponse des intimés

Yvon Descôteaux

c. (30566)

Le Groupe communautaire l'Itinéraire, et autre (Qc)

GRANTED / ACCORDÉE

4.11.2004

Before / Devant: THE REGISTRAR

Motion for substitutional service of the respondents' response

Requête en substitution de signification de la réponse des intimés

Yvon Descôteaux

c. (30568)

La Presse Limitée, et autres (Qc)

GRANTED / ACCORDÉE

4.11.2004

Before / Devant: THE CHIEF JUSTICE

Motion for leave to cross-examine on affidavit

Requête pour autoriser de contre-interroger sur affidavit

Georges Agazarian

v. (30399)

Her Majesty the Queen (FC)

DISMISSED / REJETÉE

UPON APPLICATION by the applicant for leave to cross-examine David William Turner with respect to his affidavit filed by the respondent in its response to the application for leave to appeal;

AND HAVING READ the material filed ;

IT IS HEREBY ORDERED THAT:

The motion is dismissed.

4.11.2004

Before / Devant: MAJOR J.

Motion to set aside the Registrar's order and to extend the time in which to serve and file the application for leave

Requête en annulation de l'ordonnance de la Registrare et en prorogation du délai imparti pour signifier et déposer la demande d'autorisation

Cindy Lee Talock

v. (30043)

Her Majesty the Queen (Sask.)

GRANTED / ACCORDÉE

UPON APPLICATION by the applicant setting aside the Registrar's Order dated March 15, 2004 and extending the time to serve and filed an application for leave to appeal;

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The motion setting aside the Registrar's Order dated March 15, 2004 and extending the time to serve and filed an application for leave to appeal within 15 days from the date of this Order is granted.

**NOTICE OF APPEAL FILED SINCE
LAST ISSUE**

2.11.2004

Her Majesty the Queen

v. (30395)

John Charles Woods (Man.)

3.11.2004

Sa Majesté la Reine

c. (30588)

James Kouri (Qc)

(De plein droit)

5.11.2004

Frederick Leroy Barney

v. (30176)

**Her Majesty the Queen in Right of Canada as
represented by The Minister of Indian Affairs and
Northern Development, et al. (B.C.)**

5.11.2004

C.D.

v. (30254)

Her Majesty the Queen (Alta.)

5.11.2004

Sa Majesté la Reine

c. (30256)

Éric Boucher (Qc)

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

5.11.2004

R.W.C.

v. (30302)

Her Majesty the Queen (N.S.)

5.11.2004

C.D.K.

v. (30314)

Her Majesty the Queen (Alta.)

8.11.2004

The City of Calgary

v. (30247)

Atco Gas and Pipelines Ltd., et al. (Alta.)

8.11.2004

Leroy Latty, et al.

v. (30295)

The United States of America, et al. (Ont.)

**APPEALS HEARD SINCE LAST ISSUE
AND DISPOSITION**

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

5.11.2004

CORAM: Chief Justice McLachlin and Major, Bastarache, Binnie, LeBel, Deschamps, Fish, Abella and Charron JJ.

Biolyse Pharma Corporation

v. (29823)

**Bristol-Myers Squibb Company, et al. (FC) (Civil)
(By Leave)**

Andrew J. Roman for the appellant.

Anthony G. Creber and Patrick S. Smith for the respondents.

John Terry and Conor McCourt for the intervener Pfizer Canada Inc.

Written submissions only by Edward Hore for the intervener Canadian Generic Pharmaceutical Assoc.

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

Administrative law - Judicial review - Property law - Trade-marks - Pharmaceutical preparation - Decision of Minister to issue Notice of Compliance - Statutory interpretation - *Patented Medicines (NOC) Regulations*, SOR/93-133, ss. 5(1) and 5(1.1) - Whether a patent may be used to eliminate a competitor when the competitor is neither using nor infringing any valid patent claim - Proper method of interpretation of a regulation - Whether “entire context” means the “entire context” of the regulation only, or whether interpretation of the regulation must be viewed in the broader context of the Act and other relevant facts or legal principles - Proper balance to be struck between public interest in keeping drug prices low, and in patents, to keep drug prices high in the context of interpreting the applicable statutory provisions - Whether default position should be competition or monopoly.

Nature de la cause:

Droit administratif - Contrôle judiciaire - Droit des biens - Marques de commerce - Préparations pharmaceutiques - Décision du ministre de délivrer l’avis de conformité - Interprétation législative - *Règlement sur les médicaments brevetés (avis de conformité)*, DORS/93-133, par. 5(1) et 5(1.1) - Un brevet peut-il servir à éliminer un concurrent lorsque celui-ci n’utilise ni ne contrefait aucune revendication de brevet valide - Méthode à appliquer pour l’interprétation d’un règlement - Par « contexte global », faut-il entendre le « contexte global » du règlement uniquement ou faut-il interpréter le règlement dans le contexte plus général de la Loi et d’autres faits ou principes juridiques pertinents ? - Équilibre à établir entre l’intérêt du public à ce que les prix des médicaments demeurent bas et l’intérêt des titulaires de brevets à ce que les prix des médicaments soient élevés dans le contexte de l’interprétation des dispositions législatives applicables - La position par défaut doit-elle être la concurrence ou le monopole ?

5.11.2004

CORAM: Chief Justice McLachlin and Bastarache, Deschamps, Fish and Abella JJ.

Glen Thomas Saunders

v. (30128)

Her Majesty the Queen (N.L.) (Criminal) (As of Right)

Robin Reid for the appellant.

James C. Martin and Robert W. Hubbard for the respondent.

DISMISSED / REJETÉ

The appeal from the judgment of the Court of Appeal of Newfoundland and Labrador, Number 02/61, dated December 9, 2003, was heard this day and the following judgment was rendered:

The Chief Justice (orally) -- We agree with the majority of the Court of Appeal that there was sufficient material before the Justice of the Peace to support the issuance of the search warrant.

The appeal is dismissed and the order of the Court of Appeal affirmed.

Nature of the case:

Charter of Rights and Freedoms - Criminal law - Search warrant - Evidence - Whether or not there was sufficient reliable information which a justice of the peace could issue a warrant to search the Appellant's residence - Whether or not the ensuing police search of the Appellant's residence contravened section 8 of the *Charter* - Whether or not the evidence obtained from the search should be excluded from the trial pursuant to section 24 (2) of the *Charter*.

L'appel interjeté contre l'arrêt de la Cour d'appel de Terre-Neuve et Labrador, numéro 02/61, en date du 9 décembre 2003, a été entendu aujourd'hui et le jugement suivant a été rendu:

[traduction]

La Juge en chef (oralement) -- Nous sommes d'accord avec les juges majoritaires de la Cour d'appel que les éléments de preuve présentés au juge de paix suffisaient pour appuyer la délivrance du mandat de perquisition.

L'appel est rejeté et l'ordonnance de la Cour d'appel est confirmée.

Nature de la cause:

Charte des droits et libertés - Droit criminel - Mandat de perquisition - Preuve - La dénonciation contenait-elle des renseignements fiables suffisants pour qu'un juge de paix puisse décerner un mandat autorisant à perquisitionner dans la résidence de l'appelant? - La perquisition policière qui a suivi dans la résidence de l'appelant contrevenait-elle à l'art. 8 de la *Charte*? - Y a-t-il lieu d'écarter du procès, conformément au par. 24 (2) de la *Charte*, les éléments de preuve obtenus grâce à la perquisition?

2.11.2004

CORAM: Chief Justice McLachlin and Major, Bastarache, Binnie, LeBel, Deschamps, Fish, Abella and Charron JJ.

Her Majesty the Queen

v. (29865)

Krystopher Krymowski, et al. (Ont.) (Criminal) (By Leave)

Jamie C. Klukach and Elliott Behar for the appellant.

David Gomes and Peter Lindsay for the respondents.

Cheryl J. Tobias for the intervener Attorney General of Canada.

Marvin Kurz and Steven Klein for the intervener League for Human Rights of B'Nai Brith Canada.

Joel Richler and Matthew Horner for the intervener Canadian Jewish Congress.

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

Criminal Law - Evidence - Trial - Amending Information - Re-opening case - Respondents charged with hate crimes - Whether Court of Appeal erred with respect to principles governing taking judicial notice of

Nature de la cause:

Droit criminel - Preuve - Procès - Modification de la dénonciation - Réouverture du procès - Intimés accusés de crimes haineux - La Cour d'appel a-t-elle commis une erreur relativement aux principes régissant la

dictionary definitions or amending an Information or re-opening a case against an accused.

connaissance judiciaire des définitions du dictionnaire, la modification d'une dénonciation ou la réouverture du procès d'un accusé?

9-10.11.2004

CORAM: Chief Justice McLachlin and Major, Bastarache, Binnie, LeBel, Deschamps, Fish, Abella and Charron JJ.

Her Majesty the Queen in Right of Alberta, et al.

v. (29525)

Phyllis A. Smith, Q.C., Kurt Sandstrom and Scott Chen for the appellants (29525) Her Majesty the Queen in Right of Alberta and The lieutenant Governor in Council.

Chereda Bodner, et al. (Alta.) (Civil) (By Leave)

Alan D. Hunter, Q.C., and S.L. Martin, Q.C., for the respondents (29525) Chereda Bodner, et al.

Provincial Court Judges' Association of New Brunswick, et al.

v. (30006)

Susan Dawes and Robb Tonn for the appellants (30006) Provincial Court Judges' Assoc. of New Brunswick, et al.

Her Majesty the Queen in Right of the Province of New Brunswick as represented by the Minister of Justice (N.B.) (Civil) (By Leave)

Gaëtan Migneault and Nancy Forbes for the respondent (30006) Her Majesty the Queen in Right of New Brunswick.

The Ontario Judges' Association, et al.

v. (30148)

C. Michael Mitchell and Steven M. Barrett for the appellants (30148) The Ontario Judges' Assoc., et al.

Her Majesty the Queen in Right of the Province of Ontario, as Represented by the Chair of Management Board (Ont.) (Civil) (By Leave)

Lori R. Sterling, Sean Hanley and Arif Virani for the respondent (30148) Her Majesty the Queen in Right of Ontario.

Procureur général du Québec, et al.

c. (30477)

Claude-Armand Sheppard, Annick Bergeron et Brigitte Bussièrès pour les appelants (30477) Procureur général du Québec, et al.

Conférence des juges du Québec, et al. (Qc) (Civile) (Autorisation)

Raynold Langlois, c.r., et Chantal Chatelain pour les intimées (30477) Conférence des juges du Québec, et autres.

William J. Atkinson et Michel Gagné pour les intimés (30477) Morton S. Minc, et al.

Robert J. Frater and Anne M. Turley for the intervener Attorney General of Canada.

Janet Minor, Sean Hanley and Arif Virani for the intervener Attorney General of Ontario.

Claude-Armand Sheppard, Annick Bergeron et Brigitte Bussièrès pour l'intervenant Procureur général du Québec.

Gaétan Migneault for the intervener Attorney General of New Brunswick.

George H. Copley, Q.C., and Jennifer Button for the intervener Attorney General of British Columbia.

Graeme G. Mitchell, Q.C. for the intervener Attorney General of Saskatchewan.

Kurt Sandstrom for the intervener Attorney General of Alberta.

F. William Johnson, Q.C. for the intervener The Canadian Bar Assoc.

Louis Masson, Michel Paradis et Valerie Jordi pour l'intervenante Fédération des ordres professionnels de juristes du Canada.

Pierre Bienvenu for the intervener Canadian Superior Courts Judges Assoc.

Steven M. Barrett and C. Michael Mitchell for the intervener Ontario Conference of Judges.

Raynold Langlois, c.r., et Chantal Chatelain pour l'intervenante Conférence des juges du Québec.

Raynold Langlois, Q.C., and Chantal Chatelain for the intervener Canadian Assoc. of Provincial Court Judges.

Paul B. Schabas and Catherine Beagan Flood for the intervener Assoc. of Justices of the Peace of Ontario.

Written submissions only by W.S. Berardino, Q.C. for the intervener Judicial Justice of the Peace Assoc. of British Columbia.

André Gauthier et Raymond Nepveu pour l'appelant (30477) Conférence des juges municipaux du Québec.

Claude-Armand Sheppard, Annick Bergeron et Brigitte Bussièrès pour l'intimé (30477) Procureur général du Québec.

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

29525

Constitutional law - Judicial independence - Justices of the Peace - Judicial review - Whether ss. 2(a), 2(f) and 2(g) of Alberta Order in Council 174/2000 interfere with the financial security of sitting Justices of the Peace and

Nature de la cause:

29525

Droit constitutionnel - Indépendance judiciaire - Juges de paix - Contrôle judiciaire - Les al. 2 a), f) et g) du décret 174/2000 de l'Alberta portent-ils atteinte à la sécurité financière des juges de paix siégeant et violent-

thereby violate the principle of judicial independence guaranteed by the preamble of the *Constitution Act, 1867* and/or by s. 11(d) of the *Canadian Charter of Rights and Freedoms* - If so, do they constitute a reasonable limit under s. 1 of the *Charter* - Whether the Court of Appeal erred in imposing a more stringent standard of justification - Whether the Court of Appeal erred in adopting a standard of review which required a thorough and searching analysis of the reasons of the government - Whether the Court of Appeal erred in refusing to refer the matter back to the government for review - Whether the Court of Appeal erred in directing payment of costs on a solicitor-client basis to the Respondents.

30006

Constitutional Law - Judicial Independence - Whether par. (a)(i), (ii) and (iii) of New Brunswick Order in Council 2002-110 interferes with the financial security of Provincial Court judges and thereby violates the principle of judicial independence guaranteed by the preamble to the *Constitution Act, 1867*- Whether par. (a)(i), (ii) and (iii) of New Brunswick Order in Council 2002-110 interferes with the financial security of Provincial Court judges and thereby violates the principle of judicial independence guaranteed by s. 11(d) of the *Canadian Charter of Rights and Freedoms* - If it does, does it constitute a reasonable limit pursuant to s. 1 - What is the appropriate standard by which a reviewing court should examine a Government's justifications for departing from the recommendations of a Judicial Remuneration Commission (" JRC") - Whether the Court of Appeal erred in applying the wrong test in reviewing the response of Government to the recommendations of the JRC - Whether the Court of Appeal erred in failing to award solicitor and client costs to the Appellant in respect of the case before it and the case below.

30148

Constitutional law – Judicial independence – Judicial review – Whether a government can rely on reasons for rejection derived from evidence collected after a commission process has concluded, which evidence and reasons could have been, but were not, adduced or argued before the commission and which contradict the position the government took before the commission - Where a government is of the view that a commission has made errors or failed to deal with matters in its report, in what circumstances must the government

ils de ce fait le principe de l'indépendance judiciaire que garantissent le préambule de la *Loi constitutionnelle de 1867* ou l'al. 11d) de la *Charte canadienne des droits et libertés* ? - Dans l'affirmative, constituent-ils une limite raisonnable au sens de l'article premier de la *Charte* ? La Cour d'appel a-t-elle appliqué à tort une norme de justification plus stricte ? - A-t-elle eu tort d'adopter une norme de contrôle exigeant une analyse approfondie des motifs du gouvernement ? - A-t-elle commis une erreur en refusant de renvoyer l'affaire au gouvernement pour réexamen ? - A-t-elle eu tort d'ordonner le paiement aux intimés de dépens sur la base avocat-client ?

30006

Droit constitutionnel - Indépendance judiciaire - Les sous-alinéas a)(i), (ii) et (iii) du Décret 2002-110 du Nouveau-Brunswick portent-ils atteinte à la sécurité financière des juges de la Cour provinciale et contreviennent-ils, de ce fait, au principe de l'indépendance judiciaire garanti par le préambule de la *Loi constitutionnelle de 1867* ? - Les sous-alinéas a)(i), (ii) et (iii) du Décret 2002-110 du Nouveau-Brunswick portent-ils atteinte à la sécurité financière des juges de la Cour provinciale et contreviennent-ils, de ce fait, au principe de l'indépendance judiciaire garanti par l'al. 11d) de la *Charte canadienne des droits et libertés* ? - Dans l'affirmative, l'atteinte constitue-t-elle une limite raisonnable au regard de l'article premier ? - Selon quelle norme de contrôle le tribunal siégeant en révision devrait-il examiner les raisons avancées par le gouvernement pour justifier son inobservation des recommandations de la Commission sur la rémunération des juges (« CRJ ») ? - La Cour d'appel a-t-elle commis une erreur en appliquant le mauvais critère dans son examen de la réponse du gouvernement aux recommandations de la CRJ ? - La Cour d'appel a-t-elle commis une erreur en refusant aux appelants les dépens avocat-client dans l'affaire dont elle est saisie et dans l'affaire mentionnée ci-dessous ?

30148

Droit constitutionnel – Indépendance de la magistrature – Contrôle judiciaire – Un gouvernement peut-il, pour le rejet, se fonder sur des motifs tirés de la preuve recueillie après les travaux d'une commission, lesquels preuve et motifs auraient pu être, mais ne l'ont pas été, présentés et débattu devant la commission et contredisent la position adoptée par le gouvernement devant la commission ? - Si le gouvernement estime qu'une commission a fait erreur ou n'a pas abordé certains points dans son rapport, dans quelles

return to the commission and request that it reconsider its recommendations or report - Whether a government can rely on alleged errors or omissions made by a commission in proceedings before the courts, where it did not identify, refer to or rely upon those alleged errors or omissions in its reasons for rejecting the commission's recommendations - What is the standard of constitutional justification a government must meet in order to legitimately refuse to implement commission recommendations?

30477

Constitutional law – Judicial independence – Judicial review – Remuneration of judges – Whether the Court of Appeal erred in applying the constitutional review standard of “simple rationality” to the government’s response to the O’Donnell committee’s report – Whether the Quebec Court of Appeal erred in affirming the trial judge’s decision to reject the evidence presented in the course of the inquiry – Whether the Court of Appeal erred in finding that the committee lacked the jurisdiction to recommend that the existing wage parity between Court of Québec judges and municipal court judges be terminated – Whether the Court of Appeal erred in finding that the committee had not been objective in ruling on the abolition of parity – Whether the Court of Appeal erred in dismissing the intervention of the Conférence des juges municipaux on the ground that it would be contrary to the constitutional and legislative processes.

circonstances doit-il s’adresser de nouveau à la commission pour qu’elle réexamine ses recommandations ou son rapport ? - Un gouvernement peut-il se fonder sur des erreurs ou omissions qu’une commission aurait faites lors des procédures judiciaires alors qu’il ne les a pas signalées, mentionnées ou invoquées pour justifier son rejet des recommandations de la commission ? - Quelle norme de justification constitutionnelle un gouvernement doit-il respecter pour pouvoir refuser légitimement de mettre en oeuvre les recommandation de la commission ?

30477

Droit constitutionnel – Indépendance judiciaire – Contrôle judiciaire – Rémunération des juges – La Cour d’appel a-t-elle erré en appliquant la norme de contrôle constitutionnel de la « simple rationalité » à la réponse du gouvernement au rapport du comité O’Donnell? – La Cour d’appel du Québec a-t-elle erré en confirmant la décision du premier juge de rejeter la preuve présentée lors de l’enquête? – La Cour d’appel a-t-elle erré en concluant que le comité n’avait pas la compétence de recommander de mettre fin à la parité de traitement existant entre les juges de la Cour du Québec et les juges des cours municipales? – La Cour d’appel a-t-elle erré en concluant que le comité ne s’était pas prononcé de manière objective sur l’abolition de la parité? – La Cour d’appel a-t-elle erré en rejetant l’intervention de la Conférence des juges municipaux au motif que l’intervention irait à l’encontre des processus constitutionnel et législatif?

DEADLINES: APPEALS

The Fall Session of the Supreme Court of Canada started October 4, 2004.

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

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.

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 a commencé le 4 octobre 2004.

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:

Le dossier de l'appellant, 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'appellant.

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.

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.

THE STYLES OF CAUSE IN THE PRESENT TABLE ARE THE STANDARDIZED STYLES OF CAUSE (AS EXPRESSED UNDER THE "INDEXED AS" ENTRY IN EACH CASE).

Judgments reported in [2004] 1 S.C.R. Part 5

Harper v. Canada (Attorney General),
[2004] 1 S.C.R. 827, 2004 SCC 33

Monsanto Canada Inc. v. Schmeiser,
[2004] 1 S.C.R. 902, 2004 SCC 34

Nutribec Ltée v. Quebec (Commission d'appel en
matière de lésions professionnelles),
[2004] 1 S.C.R. 824, 2004 SCC 32

Pritchard v. Ontario (Human Rights Commission),
[2004] 1 S.C.R. 809, 2004 SCC 31

Judgments reported in [2004] 2 S.C.R. Part 1

Banque nationale de Paris (Canada) v. 165836 Canada
Inc., [2004] 2 S.C.R. 45, 2004 SCC 37

Bibaud v. Québec (Régie de l'assurance maladie),
[2004] 2 S.C.R. 3, 2004 SCC 35

British Columbia v. Canadian Forest Products Ltd.,
[2004] 2 S.C.R. 74, 2004 SCC 38

Finney v. Barreau du Québec,
[2004] 2 S.C.R. 17, 2004 SCC 36

LES INTITULÉS UTILISÉS DANS CETTE TABLE SONT LES INTITULÉS NORMALISÉS DE LA RUBRIQUE "RÉPERTORIÉ" DANS CHAQUE ARRÊT.

Jugements publiés dans [2004] 1 R.C.S. Partie 5

Harper c. Canada (Procureur général),
[2004] 1 R.C.S. 827, 2004 CSC 33

Monsanto Canada Inc. c. Schmeiser, [2004] 1 R.C.S.
902, 2004 CSC 34

Nutribec Ltée c. Québec (Commission d'appel en
matière de lésions professionnelles),
[2004] 1 R.C.S. 824, 2004 CSC 32

Pritchard v. Ontario (Commission des droits de la
personne), [2004] 1 R.C.S. 809, 2004 CSC 31

Jugements publiés dans [2004] 2 R.C.S. Partie 1

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SUPREME COURT OF CANADA SCHEDULE
CALENDRIER DE LA COUR SUPREME

- 2004 -

10/06/04

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

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

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

- 2005 -

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

APRIL - AVRIL						
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	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	M 9	10	11	12	13	14
15	16	17	18	19	20	21
22	H 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	M 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:

Motions:
Requêtes:

Holidays:
Jours fériés:

18
M
H

18 sitting weeks/semaines séances de la cour
88 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