

**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 au 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**

Conférence des juges municipaux du Québec

André Gauthier
Cain Lamarre Casgrain Wells

c. (30477)

Conférence des juges du Québec, et autres (Qc)

Raynold Langlois
Langlois Kronström Desjardins

DATE DE PRODUCTION: 25.8.2004

et entre

Le Procureur général du Québec, et autre

Claude-Armand Sheppard
Robinson Sheppard Shapiro

c. (30477)

Conférence des juges du Québec, et autres (Qc)

Raynold Langlois
Langlois Kronström Desjardins

DATE DE PRODUCTION: 27.8.2004

**Brookfield Lepage Johnson Controls Facility
Management Services**

Gordon K. Cameron
Blake, Cassels & Graydon

v. (30486)

**Minister of Public Works and Government
Services (FC)**

Christopher M. Rupar
Attorney General of Canada

FILING DATE: 30.8.2004

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

Marilyn Ortega, et al.

Bonnie A. Tough
Tough & Podrebarac

v. (30489)

**1005640 Ontario Inc. carrying on business under
the name and style of Calypso Hut 3, et al. (Ont.)**

Brian J.E. Brock, Q.C.
Dutton Brock

FILING DATE: 31.8.2004

C.B.M.

Laura K. Stevens, Q.C.
Anderson Dawson Knisely Stevens &
Shaigec

v. (30500)

Her Majesty the Queen (Alta.)

Arnold Schlayer
Attorney General of Alberta

FILING DATE: 1.9.2004

Daniel Martin Bellemare

Daniel Martin Bellemare

v. (30490)

The Attorney General of Canada (FC)

Claude Morissette
Attorney General of Canada

FILING DATE: 1.9.2004

Andrea Anani, et al.

Andrea Anani

v. (30494)

Ali Ismail, et al (B.C.)

Ian Fleming

FILING DATE: 2.9.2004

**Alliance professionnelle des infirmières et
infirmiers auxiliaires du Québec**

Michel Gilbert
Grondin, Poudrier, Bernier

c. (30497)

Hopital Jean-Talon (Qc)

Scott Hughes
Monette, Barakett, Lévesque, Bourque &
Pedneault

DATE DE PRODUCTION: 2.9.2004

R.D.M.

Anil K. Kapoor

v. (30496)

Her Majesty the Queen (Sask.)

Beverly L. Klatt
Attorney General for Saskatchewan

FILING DATE: 3.9.2004

Slavtcho Petrov Detchev

Slavtcho Petrov Detchev

v. (30498)

The Ontario Labour Relations Board, et al. (Ont.)

Voy. T. Stelmaszynski
Ontario Labour Relations Board

FILING DATE: 7.9.2004

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

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

SEPTEMBER 13, 2004 / LE 13 SEPTEMBRE 2004

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

Lynne Patricia Scott a.k.a. Lynne Patricia Schaefer

v. (30106)

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

NATURE OF THE CASE

Criminal law - Extradition - Whether s. 32(1)(a) of the *Extradition Act* is unconstitutional and of no force and effect, contrary to section 7 of the *Charter*, in that it allows the admission of allegations and evidence that are inadmissible under Canadian law.

PROCEDURAL HISTORY

March 6, 2001
Ontario Superior Court of Justice
(Logan J.)

Applicant's application for constitutional validity of *Extradition Act*, dismissed; Applicant committed for extradition on charges of assault, assault with a weapon and break and enter

December 16, 2003
Court of Appeal for Ontario
(Laskin, Moldaver and Goudge JJ.A.)

Appeal dismissed; Application for judicial review dismissed

May 31, 2004
Supreme Court of Canada

Application for leave to appeal filed

June 9, 2004
Supreme Court of Canada
Arbour J.

Motion for an extension of time granted

Arthur Smolensky

v. (30306)

The British Columbia Securities Commission and Attorney General of British Columbia (B.C.)

NATURE OF THE CASE

Canadian Charter - Civil - Securities law - Disclosure - Whether the State can indiscriminately criminalize innocent communications in the name of law enforcement - Whether an automatic restraint on normal, prudent defence preparation is constitutionally invalid - Whether constitutionally offensive legislation is saved because a tribunal is vested with discretion not to enforce it - Whether it is constitutionally valid to replace the right to fundamental freedoms with the hope that a tribunal, if petitioned to do so, may allow people to enjoy them - To what extent do liberty rights in s. 7 embrace

fundamental economic freedoms - Whether it is an abuse of process or power, akin to double jeopardy, for a securities regulator to commence disciplinary proceedings when the same alleged misconduct was previously the subject of an approved final settlement with a subordinate regulator - *Securities Act*, R.S.B.C. 1996, c. 418, s. 148

PROCEDURAL HISTORY

July 29, 2003 Supreme Court of British Columbia (Lowry J.)	Applicant's application for prerogative relief and for declaration that s. 148 of the <i>Securities Act</i> violates <i>Charter</i> , dismissed
February 20, 2004 Court of Appeal for British Columbia (Finch C.J.B.C., Mackenzie and Lambert [<i>dissenting</i>] J.J.A.)	Appeal dismissed
April 20, 2004 Supreme Court of Canada	Application for leave to appeal filed

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

Her Majesty the Queen

v. (30319)

Dennis Rodgers (Ont.) (Crim.)

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 J.J.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

Bruce Morris

v. (30393)

Her Majesty the Queen (FC)

NATURE OF THE CASE

Taxation - Assessment - Administrative Law - Judicial Review - Whether the lower courts erred in its findings that the Applicant's endeavours as a fishing guide did not constitute a source of income under the *Income Tax Act* having regard to the approach set out in *Stewart v. Canada*, 2002 SCC 46.

PROCEDURAL HISTORY

July 12, 2001 Tax Court of Canada (O'Connor J.T.C.C.)	Applicant's appeals from tax assessments under the <i>Income Tax Act</i> for taxation years 1996, 1997 and 1998, dismissed
March 4, 2003 Federal Court of Appeal (Strayer, Evans and Malone JJ.A.)	Application for judicial review allowed; Tax Court decision set aside; matter remitted to another Tax Court judge for reconsideration
May 14, 2003 Tax Court of Canada (Bowie J.T.C.C.)	Applicant's appeals from tax assessments under the <i>Income Tax Act</i> for taxation years 1996, 1997 and 1998, dismissed
March 30, 2004 Federal Court of Appeal (Strayer, Noël and Sexton JJ.A.)	Application for judicial review dismissed
June 16, 2004 Supreme Court of Canada	Application for leave to appeal and motion for extension of time filed

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

Ville de Fermont et Lombard Canada Ltée

c. (30375)

Kevin Pelletier, Gervais Pelletier et Jocelyne Morin Pelletier (Qc)

NATURE DE LA CAUSE

Procédure – Responsabilité civile – Appel – Faute – Lien de causalité – Dommages-intérêts – Dépens – Intérêts – La Cour d'appel était-elle justifiée d'intervenir et de renverser le jugement de première instance? – La Cour d'appel a-t-elle erré en condamnant les demandresses à payer des intérêts sur un montant qui incluait déjà un intérêt calculé?

HISTORIQUE DES PROCÉDURES

Le 9 décembre 2002 Cour supérieure du Québec (Le juge Alain)	Action des intimés en responsabilité extracontractuelle rejetée
Le 13 avril 2004 Cour d'appel du Québec (Les juges Baudouin, Thibault et Lemelin [<i>ad hoc</i>])	Appel accueilli
Le 7 juin 2004 Cour suprême du Canada	Demande d'autorisation d'appel déposée

Jean-Marc Béliveau

c. (30420)

Barreau de Montréal (Qc)

NATURE DE LA CAUSE

Droit du travail – Droit des professions – Exercice illégal de la profession d'avocat – Interprétation d'un contrat d'assurance par un expert en relations de travail qui n'est pas membre du Barreau du Québec – Les instances inférieures ont-elles erré en trouvant le demandeur coupable d'avoir illégalement exercé la profession d'avocat? – La Cour d'appel a-t-elle erré en refusant la permission d'appel?

HISTORIQUE DES PROCÉDURES

Le 25 juin 2003 Cour du Québec (Le juge Bonin)	Demandeur reconnu coupable d'avoir exercé illégalement la profession d'avocat
Le 19 janvier 2004 Cour supérieure du Québec (Le juge Downs)	Appel rejeté
Le 29 avril 2004 Cour d'appel du Québec (Le juge Hilton)	Requête en permission d'appel rejetée
Le 28 juin 2004 Cour suprême du Canada	Demande d'autorisation d'appel déposée
Le 14 juillet 2004 Cour suprême du Canada	Requête en prorogation de délai pour déposer la demande d'autorisation d'appel déposée; Requête pour accepter le dossier tel quel déposée

**JUDGMENTS ON APPLICATIONS
FOR LEAVE**

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

SEPTEMBER 16, 2004 / LE 16 SEPTEMBRE 2004

30265 **Lawrence Joseph Joyea v. Her Majesty the Queen** (Sask.) (Criminal) (By Leave)

Coram: Major, Binnie and Fish JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Saskatchewan, Number 715, 2004 SKCA 17, dated February 5, 2004, is dismissed.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Saskatchewan, numéro 715, 2004 SKCA 17, daté du 5 février 2004, est rejetée.

NATURE OF THE CASE

Criminal law (non *Charter*) - Sentencing circle - Standard of review - Whether the Court of Appeal erred in law by misinterpreting the standard of review to a sentence appeal, where the sentence of an Aboriginal offender was based on recommendations of an Aboriginal community justice circle convened under the statutory authority of s. 718.2(e) of the *Criminal Code*.

PROCEDURAL HISTORY

September 19, 2003
Provincial Court
(Chicoine P. Ct. J.)

Applicant sentenced to 10 months' imprisonment, eight months' conditional sentence, six months' probation and a two-year driving prohibition

February 5, 2004
Court of Appeal for Saskatchewan
(Tallis, Vancise and Gerwing JJ.A.)

Appeal allowed in part; nine months' imprisonment imposed prospectively; probation and driving prohibition continued

April 5, 2004
Supreme Court of Canada

Application for leave to appeal filed

30270 **City of Toronto v. Zari K. Banihashem-Bakhtiari, Pedrum Sodouri and Pejman Sodouri, Axes Investments Inc., Alfredo De Gasperis, Tandem Group International Inc., Tandem Group Management Inc., Tandem International Inc., Tandem International Investment Co., Tandem Investments Ltd., Paul Reid, Van Forbell, Merv Doctorow, John Broderick, Robert Macht, John Naughton and Intertec Security & Investigation Limited** (Ont.) (Civil) (By Leave)

Coram: Major, Binnie and Fish JJ.

The application for leave to appeal from the judgments of the Court of Appeal for Ontario, Number C37466, dated February 6, 2004 and March 17, 2004, is dismissed with costs.

La demande d'autorisation d'appel des arrêts de la Cour d'appel de l'Ontario, numéro C37466, daté du 6 février 2004 et du 17 mars 2004, est rejetée avec dépens.

NATURE OF THE CASE

Procedural law - Civil procedure - Standard of review - Re-apportionment of liability by Court of Appeal - Costs - Counsel agreed to a contingency fee - Counsel incurred carrying costs - A premium was awarded over the award of costs to compensate for the carrying costs - Did this Court's decision in *Housen v. Nikolaisen* supercede its decisions in *Ingles*

v. Tutkalus Construction and in Sparks v. Thompson - If not, what is the appropriate test for appellate review of the apportionment of liability among tortfeasors - Can an appellate court advert to a test for appellate review and then effectively retry apportionment of liability - Can premium be included in an order for party and party costs?

PROCEDURAL HISTORY

July 23, 2003 Ontario Superior Court of Justice (Lane J.)	Respondents Zari K. Banihashem-Bakhtiari and Pedrum Sodouri's action for negligence, granted; damages of \$3,232,009.20 awarded
February 6, 2004 Court of Appeal for Ontario (Weiler, Moldaver and Armstrong JJ.A.)	Appeal allowed in part; liability re-apportioned
April 6, 2004 Supreme Court of Canada	Application for leave to appeal filed

30292 **Eleanor Iness v. Canada Mortgage and Housing Corporation and Ontario Human Rights Commission** (Ont.) (Civil) (By Leave)

Coram: Major, Binnie and Fish JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C39479, dated March 1, 2004, is dismissed.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C39479, daté du 1 mars 2004, est rejetée.

NATURE OF THE CASE

Constitutional law - Division of powers - Human rights - Interjurisdictional immunity - Whether condition imposed on co-operative and its members by Canada Mortgage and Housing Corporation is contrary to the *Human Rights Code*, R.S.O. 1990, c. H. 19 - Whether federal agencies are subject to provincial human rights legislation when such agencies attach conditions to funding for activities within the provincial sphere.

PROCEDURAL HISTORY

June 13, 2001 Board of Inquiry (McKellar, Adjudicator)	Applicant's motion to add Respondent Canada Mortgage and Housing Corporation (CMHC) as a respondent to Applicant's complaint, granted
July 8, 2002 Superior Court of Justice, Divisional Court (Lane, Then and Lax JJ.)	CMHC's application for judicial review, granted; interim decision of the Board quashed; impugned condition not subject to Ontario <i>Human Rights Code</i> and no reason to add CMHC as a party
March 1, 2004 Court of Appeal for Ontario (O'Connor A.C.J.O., Catzman and Weiler JJ.A.)	Appeal dismissed

April 30, 2004
Supreme Court of Canada

Application for leave to appeal filed

30303 **Esam Iskandar and Pinnacle Developments Limited v. United Gulf Developments Limited and Navid Saberi** (N.S.) (Civil) (By Leave)

Coram: Major, Binnie and Fish JJ.

The application for leave to appeal from the judgment of the Nova Scotia Court of Appeal, Number CA205057, dated February 26, 2004, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Nouvelle-Écosse, numéro CA205057, daté du 26 février 2004, est rejetée avec dépens.

NATURE OF THE CASE

Property Law - Real property - Specific performance - Whether there are conflicting lower court decisions regarding the test for specific performance in land actions - Whether the burden of proof for summary judgment in a specific performance context is unsettled - Whether a plea of specific performance may lead to a *de facto* injunction, tying up commercially valuable lands indefinitely

PROCEDURAL HISTORY

August 11, 2003
Supreme Court of Nova Scotia, Trial Division
(Moir J.)

Summary judgment granted disallowing the Respondents' claim for specific performance

August 12, 2003
Nova Scotia Court of Appeal
(Saunders J.A.)

Respondents' application for a stay of execution, dismissed

February 26, 2004
Nova Scotia Court of Appeal
(Glube C.J.N.S., Roscoe and Cromwell, JJ.A.)

Appeal allowed; order disallowing and dismissing claim for specific performance is set aside

April 26, 2004
Supreme Court of Canada

Application for leave to appeal filed

30313 **Reymundo Palpal-Latoc v. Pamela Ruth Berstad and Jason Berstad** (Alta.) (Civil) (By Leave)

Coram: Major, Binnie and Fish JJ.

The application for leave to appeal from the judgment of the Court of Appeal of Alberta (Calgary), Number 0301-0081-AC, dated March 4, 2004, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Alberta (Calgary), numéro 0301-0081-AC, daté du 4 mars 2004, est rejetée avec dépens.

NATURE OF THE CASE

Torts - Motor vehicle accident - Damages - Jury award - Procedural law - Appeal - Expert evidence - Whether a party should be allowed to employ expert opinion evidence to argue by implication that little or no injury was likely - Whether appellate court finding a civil jury damage award inordinate should assess damages under each head based on the evidence or order a new trial - Whether appeal court can direct that a new trial be conducted by judge alone

PROCEDURAL HISTORY

September 26, 2002 Court of Queen's Bench of Alberta (Brooker C. Scott)	Applicant's action allowed; award of \$2,500 in general damages with total damages of \$12,934.40
March 4, 2004 Court of Appeal of Alberta (McFadyen, Berger and Ritter JJ.A.)	Appeal allowed; general damages increased to \$12,000.00
April 28, 2004 Supreme Court of Canada	Application for leave to appeal filed

30325 **Jeffrey David Booth and Daniel Roderick Booth v. British Columbia Life and Casualty Company**
(B.C.) (Civil) (By Leave)

Coram: Major, Binnie and Fish JJ.

The application for leave to appeal from the judgment of the Court of Appeal for British Columbia (Vancouver), Number CA30857, dated March 9, 2004, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Colombie-Britannique (Vancouver), numéro CA30857, daté du 9 mars 2004, est rejetée avec dépens.

NATURE OF THE CASE

Commercial law - Insurance - Policy of insurance - Accidental death and dismemberment policy - Exclusion clause - Interpretation - Whether Court of Appeal erred in its interpretation of "self-inflicted injury" contained in an exclusion clause

PROCEDURAL HISTORY

April 30, 2003 Supreme Court of British Columbia (Williamson J.)	Applicants' claim for payment in the amount of \$140,059.46 under an insurance policy granted; death ruled accidental
March 9, 2004 Court of Appeal for British Columbia (Finch C.J.B.C., Hall and Smith JJ.A.)	Appeal allowed; Applicants' claim dismissed
May 7, 2004 Supreme Court of Canada	Application for leave to appeal filed

30338 **Bruce Spicer, Terrance P. Bent, Bryan H. Bent and John L. Merry v. Bowater Mersey Paper Company Limited** (N.S.) (Civil) (By Leave)

Coram: Major, Binnie and Fish JJ.

The application for leave to appeal from the judgment of the Nova Scotia Court of Appeal, Number CA195452, dated March 16, 2004, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Nouvelle-Écosse, numéro CA195452, daté du 16 mars 2004, est rejetée avec dépens.

NATURE OF THE CASE

Property Law - Procedural Law - Land titles - Real property - Possessory interests - Adverse possession - Extinguishment of title - Prescription - Limitation of actions - *Limitation of Actions Act*, R.S.N.S. 1989, c. 258 - Whether the occupation of the relevant lands by the Applicants was of such a nature as to extinguish the rights of the true owner? - Whether the possession exercised by the Applicants was "open, notorious, peaceful, adverse, exclusive, actual and continuous"? - Whether the Respondent knew or ought to have known of the occupation of the relevant lands by the Applicants? - Does the discoverability principle apply to claims of adverse possession of land?

PROCEDURAL HISTORY

Supreme Court of Nova Scotia
April 22, 2003
(Haliburton J.)

Applicants' application for a declaration of title by adverse possession, allowed

Nova Scotia Court of Appeal
March 16, 2004
(Roscoe, Cromwell and Hamilton JJ.A.)

Respondents' appeal allowed

Supreme Court of Canada
May 14, 2004

Application for leave to appeal filed

30356 **Arlene Rak, also known as Orlean Rak v. Royal Bank of Canada** (Sask.) (Civil) (By Leave)

Coram: Major, Binnie and Fish JJ.

The applications for extension of time are granted and the application for leave to appeal from the judgment of the Court of Appeal for Saskatchewan, Number 813 of 2003, dated November 14, 2003, is dismissed with costs.

Les demandes de prorogation de délai sont accordées et la demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Saskatchewan, numéro 813 of 2003, daté du 14 novembre 2003, est rejetée avec dépens.

NATURE OF THE CASE

Procedural law - Appeal - Judgments and orders - Limitation of actions - *Limitation of Actions Act*, R.S.S. 1978, c. L-15 - Property law - Executors and administrators - Land titles - Real property - Can a Superior Court set aside a previous judgment made in the same cause or action before it? - When is a judgment actually a judgment?

PROCEDURAL HISTORY

August 28, 2003
Court of Queen's Bench of Saskatchewan
(Allbright J.)

Respondent's application for an order *nisi* for judicial sale of the Applicant's lands, granted; caveat registered against the Applicant, discharged

November 14, 2003
Court of Appeal for Saskatchewan
(Bayda C.J.S., Vancise and Sherstobitoff JJ.A.)

Appeal dismissed

May 11, 2004
Supreme Court of Canada

Applications for leave to appeal and for extension on time filed

30358 **Matthew Benjamin Barsoum a.k.a. Michael Paul Barsoum v. Her Majesty the Queen** (Ont.)
(Criminal) (By Leave)

Coram: Major, Binnie and Fish JJ.

The application for extension of time is granted and the application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C39853, dated March 17, 2004, is dismissed.

La demande de prorogation de délai est accordée et la demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C39853, daté du 17 mars 2004, est rejetée.

NATURE OF THE CASE

Criminal Law - Procedural Law - Appeal - Barristers and Solicitors - To what extent must actual conflict be demonstrated when a conflict of interest is asserted for the first time on appeal, and when the alleged conflict relates to a lawyer prosecuting his or her former client?

PROCEDURAL HISTORY

September 21, 2001
Ontario Superior Court of Justice
(Kent J.)

Applicant convicted by judge and jury of fraud and theft

November 20, 2001
Ontario Superior Court of Justice
(Kent J.)

Applicant sentenced to 15 months of imprisonment

March 17, 2004
Court of Appeal for Ontario
(Laskin, Rosenberg JJ.A and Aitken J. [*ad hoc*])

Appeals against conviction and sentence dismissed

May 19, 2004
Supreme Court of Canada

Application for leave to appeal filed

03.9.2004

Before / Devant: FISH J.

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

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

David Baugh

v. (30474)

Faculty Association of Red Deer College, et al. (Alta.)

GRANTED / ACCORDÉE

UPON APPLICATION by the applicant for an order extending the time to serve and file an application for leave to appeal to October 8, 2004;

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The motion for an order extending the time to serve and file an application for leave to appeal to October 8, 2004, is granted.

03.9.2004

Before / Devant: FISH J.

Motion to extend the time in which to serve and file the notice of appeal

Requête en prorogation du délai pour signifier et déposer l'avis d'appel

Martin Jacques Dionne

v. (30488)

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

GRANTED / ACCORDÉE

UPON APPLICATION by the appellant for an order extending the time to serve and file a notice of appeal as of right to August 26, 2004;

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The application for an order extending the time to serve and file a notice of appeal as of right is granted to August 26, 2004.

08.9.2004

Before / Devant: FISH J.

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

BY/PAR: Attorney General of Canada,
Canadian Jewish Congress,
League for Human Rights B'nai
Brith Canada

IN/DANS: Her Majesty the Queen

v. (29865)

Krystopher Krymowski, et al. (Ont.)
(Crim.)

GRANTED / ACCORDÉES

UPON APPLICATIONS by the Attorney General of Canada, the Canadian Jewish Congress and the League for Human Rights B'nai Brith Canada, 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 October 15, 2004.

The motion for leave to intervene of the applicant, the Canadian Jewish Congress, is granted and the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length on or before October 15, 2004.

The motion for leave to intervene of the applicant, the League for Human Rights of B'nai Brith 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 October 15, 2004.

The requests to present oral argument are 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 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 respondents any additional disbursements occasioned to the appellants and respondent by their intervention.

08.9.2004

Before / Devant: BASTARACHE J.

Motion to state a constitutional question

Requête pour formulation d'une question constitutionnelle

Sameer Mapara

v. (29750)

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

DISMISSED / REJETÉE

UPON APPLICATION by the appellant for an order extending the time to serve and file the motion to state constitutional questions and for an order stating constitutional questions in the above appeal;

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The application for an extension of time is granted and the motion to state constitutional questions is dismissed.

09.9.2004

Before / Devant: BASTARACHE J.

Motion for an order that the application for leave to appeal be held in abeyance

Requête en obtention d'une ordonnance enjoignant de suspendre la demande d'autorisation d'appel

William Assaf, et al.

v. (30139)

Henry Koury, et al. (Ont.)

DISMISSED / REJETÉE

UPON APPLICATION by the applicants for an order holding in abeyance and deferring the submission of the application for leave to appeal to the Court.

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The motion holding in abeyance and deferring the submission of the application for leave to the Court is dismissed. Pursuant to Rule 32(1), the Registrar shall submit this application for leave to appeal to the Court for consideration.

10.9.2004

Before / Devant: FISH J.

Motion to extend the time in which to serve and file the respondent's factum and book of authorities and to present oral argument at the hearing of the appeal

Alan Wayne Lohrer

v. (30160)

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

Requête en prorogation du délai imparti pour signifier et déposer les mémoire et recueil de sources et de doctrine de l'intimée et pour présenter une plaidoirie lors de l'audition de l'appel

GRANTED / ACCORDÉE Time extended to September 1, 2004.

10.9.2004

Before / Devant: THE REGISTRAR

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

Christopher Carter, et al.

c. (30060)

Louise Glegg (Qc)

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

GRANTED / ACCORDÉE

À LA SUITE D'UNE DEMANDE de l'intimée visant à obtenir une prorogation de délai pour signifier et déposer son mémoire, dossier et recueil de sources au 8 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 demande de prorogation de délai pour signifier et déposer le mémoire, dossier et recueil de sources de l'intimée au 8 octobre 2004 est accordée.

La requête relative à la plaidoirie orale n'est pas nécessaire.

DEADLINES: APPEALS

The Fall Session of the Supreme Court of Canada will start 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 commencera 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'appelant, son mémoire et son recueil de jurisprudence et de doctrine doivent être déposés dans les douze semaines du dépôt de l'avis d'appel ou douze semaines de la décision de la requête pour formulation d'une question constitutionnelle.

Le dossier de l'intimé (le cas échéant), son mémoire et son recueil de jurisprudence et de doctrine doivent être déposés dans les huit semaines suivant la signification des documents de l'appelant.

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

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

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

SUPREME COURT OF CANADA SCHEDULE
CALENDRIER DE LA COUR SUPREME

- 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	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