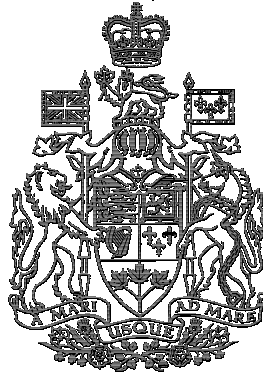


**SUPREME COURT
OF CANADA**



**COUR SUPRÊME
DU CANADA**

**BULLETIN OF
PROCEEDINGS**

**BULLETIN DES
PROCÉDURES**

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June 16, 1995

1073 - 1100

le 16 juin 1995

NOTICE / AVIS

BULLETIN OF PROCEEDINGS SUBSCRIPTION RATE CHANGE

Schedules A and B to the *Rules of the Supreme Court of Canada* (the tariff of fees payable to the Registrar and the fees taxable between parties) have been replaced. The new tariffs came into force on April 5, 1995, registered as SOR/95-158.

Under the new Schedule A, the cost of an individual issue of the *Bulletin of Proceedings* will be \$10 (effective April 5, 1995) and the annual subscription will be \$200 (effective January 1, 1996) (GST to be added).

BULLETIN DES PROCÉDURES CHANGEMENT DU PRIX D'ABONNEMENT

Les annexes A et B des *Règles de la Cour suprême du Canada* (le tarif des honoraires payables au registraire et des honoraires taxables entre parties) ont été remplacées. Les nouveaux tarifs sont entrés en vigueur le 5 avril 1995 et sont enregistrés sous le n° DORS/95-158.

En vertu de la nouvelle annexe A, le prix d'un exemplaire du *Bulletin des procédures* sera de 10 \$ (à compter du 5 avril 1995) et l'abonnement annuel sera de 200 \$ (à compter du 1^{er} janvier 1996) (TPS en plus).

**APPLICATIONS FOR LEAVE TO
APPEAL FILED**

Lucille Dubé
Lucille Dubé

c. (24759)

Ronald Bélec (Qué.)
Ronald Bélec
Bélec & Assoc.

DATE DE PRODUCTION 30.5.1995

Lucille Dubé
Lucille Dubé

c. (24760)

Ville de Hull (Qué.)
Pierre Dallaire
Beaudry, Bertrand

DATE DE PRODUCTION 30.5.1995

Richard Robert Krusel
John N. Laxton, Q.C.
Laxton & Co.

v. (24764)

Grant Firth et al. (B.C.)
James McMaster
Russell & Dumoulin

FILING DATE 5.6.1995

Derksen Brothers Holdings Ltd et al.
Alan D. Hunter, Q.C.
Code Hunter Wittmann

v. (24765)

**Canadian Imperial Bank of Commerce et al.
(Man.)**
Maryn L. Sigurdson
Deeley, Fabbri, Sellen

FILING DATE 29.5.1995

Her Majesty The Queen
W. Graeme Cameron
Min. of the A.G.

v. (24772)

Boris Tarnovsky (Ont.)
Marc Rosenberg
Greenspan, Rosenberg, Buhr

FILING DATE 7.6.1995

E. A. Manning Ltd. et al.

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

Bryan Finlay, Q.C.
Weir & Foulds

v. (24773)

Ontario Securities Commission (Ont.)
Dennis R. O'Connor, Q.C.
Borden & Elliott

FILING DATE 8.6.1995

Her Majesty The Queen
Wayne Gorman
Dept. of Justice

v. (24775)

Thomas Joseph Follett (Nfld.)
David Hurley
Hurley, Woodland, Dodd

FILING DATE 9.6.1995

Gary Dussiaume
Brian H. Greenspan
Greenspan, Humphrey

v. (24777)

Her Majesty The Queen (Ont.)
David Lepofsky, Q.C.
Min. of the A.G.

FILING DATE 9.6.1995

Corporation of the City of Mississauga
Thomas G. Heintzman, Q.C.
McCarthy Tétrault

v. (24774)

**Her Majesty The Queen in right of Ontario as
represented by the Minister of Revenue et al.
(Ont.)**

Christian G. Schulze, Q.C.
Davis, Webb & Schulze

FILING DATE 9.6.1995

Terry Sanderson et al.
Daniel B. Heffernan
Cherkewich, Yost & Heffernan

v. (24776)

The Master of Titles (Sask.)
W. Brent Cotter, Q.C.

FILING DATE 9.6.1995

JUNE 9, 1995 / LE 9 JUIN

1995

CORAM: CHIEF JUSTICE LAMER AND GONTHIER AND IACOBUCCI JJ. /
LE JUGE EN CHEF LAMER ET LES JUGES GONTHIER ET IACOBUCCI

Alton William Royer

v. (24640)

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

NATURE OF THE CASE

Criminal law - *Canadian Charter of Rights and Freedoms* - Defence - Evidence - Pre-trial procedure - Procedural law - Whether there was an improper re-examination - Whether alcohol induced automatism should have been left with the jury as a defence - Whether the preferred indictment after discharge at a preliminary hearing offends the principles of *autrefois acquit* and violates Section 11(h) of the *Canadian Charter of Rights and Freedoms* - Whether the charge of first degree murder preferred shortly before trial should be stayed as an abuse of process - Whether the trial judge erred in the charge to the jury regarding intent and the absence of motive - Whether evidence of prior threats should have been ruled inadmissible.

PROCEDURAL HISTORY

October 14, 1992 Ontario Court (General Division) (Chilcott, J.)	Conviction: first degree murder and attempted murder
January 30, 1995 Court of Appeal for Ontario Brooke, Griffiths and Doherty, JJ.A.)	Appeal dismissed
March 29, 1995 Supreme Court of Canada	Application for leave to appeal filed

R. M. G.

v. (24709)

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

NATURE OF THE CASE

Criminal law - Procedural law - Trial - Jury - Exhortation to the jury - Whether the curative proviso in the *Criminal Code* applies to an improper exhortation to a jury - What is the proper test for appellate review when the exhortation contains multiple errors of law.

PROCEDURAL HISTORY

October 22, 1993
Supreme Court of British Columbia
(Dohm J.)

Conviction: Sexual assault and Sexual touching of a
person under 14 contrary to ss. 271 and 151 of the
Criminal Code

March 17, 1995
Court of Appeal for British Columbia
(McEachern C.J., Macfarlane and Rowles JJ.A.)

Appeal dismissed

May 8, 1995
Supreme Court of Canada

Application for leave to appeal filed

Arthuro Nuosci

v. (24689)

The Royal Canadian Mounted Police and Commissioner N.D. Inkster (F.C.A.)(Ont.)

NATURE OF THE CASE

Administrative law - Evidence - Penal law - Disclosure - Applicant convicted of disgraceful conduct contrary to s. 25 of the *Royal Canadian Mounted Police Act* - Whether the Courts below erred in failing to properly interpret and apply the principles developed in *R. v. Stinchcombe*, [1991] 3 S.C.R. 326 to the refusal of the RCMP to disclose to the Applicant the materials sought by him before his Service Trial - Whether the Courts below erred in holding that the materials sought by the Applicant before his Service Trial were exempt from disclosure because they were irrelevant to the subject matter of the charge - Whether the Federal Court of Appeal erred in exercising its appellate review by failing to independently consider whether or not the failure to disclose the materials sought by the Applicant impaired his right and ability to make full answer and defence, and thereby prejudiced the overall fairness of his trial.

PROCEDURAL HISTORY

June 3, 1992
Commissioner of the Royal Mounted Police
(Commissioner Inkster)

Request for rescission or amendment of previous order pursuant to s. 45.16(8), *Royal Canadian Mounted Police Act* R.S.C. 1985, c. 8 (2nd Supp) so as to reinstate Applicant as special constable denied

September 17, 1993
Federal Court of Canada, Trial Division
(Gibson J.)

Application for judicial review dismissed

February 22, 1995
Federal Court of Appeal
(Marceau, Desjardins and Décary JJ.A.)

Appeal dismissed

April 24, 1995
Supreme Court of Canada

Application for leave to appeal filed

Canderel Limited

v. (24663)

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

NATURE OF THE CASE

Taxation - Statutes - Assessment - Accounting - Interpretation - Tenant inducement payments - Subsections 9(1) and 18(1)(a) of the *Income Tax Act*, R.S.C. 1985 (5th Supp.), c.1 - Whether the expensing method or the amortization method of accounting should be used in deducting expenses incurred as tenant inducement payments - Did the Federal Court of Appeal amend core provisions in the *Income Tax Act*, relating to the computation of profits, thereby exceeding its jurisdiction - Whether the Federal Court of Appeal recast established rules of law and the meaning of the *Income Tax Act*, when it applied the matching principle of accounting as a principle of law.

PROCEDURAL HISTORY

January 10, 1994
Tax Court of Canada
(Brule, J.T.C.C.)

Allowed the Applicant's appeal of the Minister's assessment, permitting the Applicant to use the expensing method

February 13, 1995
Federal Court of Appeal
(Stone, Robertson, and Desjardins, JJ.A.)

Appeal allowed

April 13, 1995
Supreme Court of Canada

Application for leave to appeal filed

**CORAM: LA FOREST, CORY AND MAJOR JJ. /
LES JUGES LA FOREST, CORY ET MAJOR**

Clayton Otis Jacquard

v. (24660)

Her Majesty The Queen (Crim.)(N.S.)

NATURE OF THE CASE

Criminal law - Defence - Offences - Trial by jury - Insanity - Requisite intent required for murder and for planning and deliberation - Applicant found guilty of first degree murder and attempted murder - Did the Nova Scotia Court of Appeal err in holding that the trial judge had adequately instructed the jury on the essential elements of the various issues and related material evidence to those issues and in particular on the issue of planning and deliberation? - Did the Court of Appeal err in affirming the instructions of the trial judge to the jury that the evidence could support the inference that the

Applicant wiped his fingerprints from the shotgun and the further inference that could be drawn from such conduct, namely that of consciousness of guilt?

PROCEDURAL HISTORY

April 25, 1994
Supreme Court of Nova Scotia (Carver, J.S.C.)

Convictions: first degree murder and attempted
murder

February 18, 1995
Court of Appeal of Nova Scotia
(Chipman, Hallett and Matthews, JJ.A.)

Appeal dismissed

April 11, 1995
Supreme Court of Canada

Application for leave to appeal filed

Muhammad Osman Eltassi

v. (24679)

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

NATURE OF THE CASE

Criminal law - Evidence - Whether the Court of Appeal erred in failing to find that the trial judge did not adequately caution the jury about convicting on the uncorroborated evidence of a witness whose identification is made under difficult circumstances - Whether the Court of Appeal erred in failing to find the trial judge did not adequately address the jury regarding the weaknesses and inconsistencies in the identification evidence - Whether the Court of Appeal erred in failing to find that the trial judge failed to caution the jury about the need to assess identification evidence apart from the regular rules regarding credibility - Whether the Court of Appeal erred in failing to find that the trial judge did not adequately address the flawed photographic line-up from which the sole witness made an identification.

PROCEDURAL HISTORY

June 21, 1993
Court of Queen's Bench of Alberta (Montgomery J.)

Conviction: Robbery and Disguised with intent to
commit an indictable offence

January 10, 1995
Court of Appeal of Alberta
(Harradence, Kerans and McFadyen JJ.A.)

Appeal dismissed

April 21, 1995
Supreme Court of Canada

Application for leave to appeal filed

Mabel Tettersington

v. (24662)

Dr. Ernest Wiens and Dr. Frederick Raynham (Alta.)

NATURE OF THE CASE

Torts - Procedural law - Professional negligence - Battery - Costs - Evidence - *Res ipsa loquitur* - When *res ipsa loquitur* or a *prima facie* case of causation applies in a case of alleged medical negligence, do the Respondents have a duty to explain how the Applicant's condition occurred - Whether a failure to conclude such a duty exists erodes the decision of *Snell v. Farrell*, [1990] 2 S.C.R. 311 - Whether informed consent should be defined to include conservative treatment and the avoidance of surgery, as opposed to just the risks of surgery - Whether the discretionary costs awarded at trial should have been varied by the Court of Appeal.

PROCEDURAL HISTORY

December 2, 1992
Court of Queen's Bench of Alberta
(Agrios, J.)

Applicant's claim of medical malpractice dismissed,
costs to the Respondents' increased by one-half

February 13, 1995
Court of Appeal of Alberta
(Belzil, Cote, and Russell, JJ.A.)

Appeal dismissed regarding liability but judgment
varied to reduce costs to the ordinary basis

April 12, 1995
Supreme Court of Canada

Application for leave to appeal filed

April 27, 1995
Supreme Court of Canada

Conditional Cross Appeal of the Respondents filed

C.A.D. Ringrose Therapy Institute Ltd.,

v. (24673)

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

NATURE OF THE CASE

Taxation - Assessment - Assessment of Goods and Services Tax - Whether the services provided by the Applicant were taxable supplies or exempt pursuant to the *Excise Tax Act*, R.S.C. 1985, c. E-15.

PROCEDURAL HISTORY

December 17, 1993
Tax Court of Canada
(Sarchuk J.T.C.C.)

Appeal from assessment of Goods and Services Tax
dismissed

February 22, 1995
Federal Court of Appeal
(Stone, Strayer and McDonald JJ.A.)

Section 28 of the *Federal Court Act* application
dismissed

April 20, 1995
Supreme Court of Canada

Application for leave to appeal filed

**CORAM: L'HEUREUX-DUBÉ, SOPINKA AND McLACHLIN JJ. /
LES JUGES L'HEUREUX-DUBÉ, SOPINKA ET McLACHLIN**

Salvatore Gramaglia

v. (24707)

Her Majesty the Queen (Crim)(Alta.)

NATURE OF THE CASE

Criminal law - Evidence - Trial - Conviction as the registered owner of a motor vehicle that caught speeding by photo-radar (Multanova camera) - Whether Court of Appeal erred in denying the Applicant the opportunity to argue the Applicant's rights under ss. 11(a) and 24(1) of the *Charter* - Whether the Court of Appeal erred in denying the Applicant further appeal by refusing leave to appeal.

PROCEDURAL HISTORY

December 14, 1994
Provincial Court of Alberta
(Moss Commissioner)

Conviction: Owner of a motor vehicle guilty of the offence of speeding contrary to s. 170(1) of the *Criminal Code*

March 3, 1995
Court of Queen's Bench of Alberta (Smith J.)

Conviction and sentence appeal dismissed

March 16, 1995
Court of Appeal of Alberta
(O'Leary J.A. in Chambers)

Application that judgment involves a question of law of sufficient importance to justify an appeal denied and leave to appeal refused

May 4, 1995
Supreme Court of Canada

Application for leave to appeal filed

Daniel Francis Viola

v. (24694)

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

NATURE OF THE CASE

Criminal law - Evidence - Canadian Charter of Rights and Freedoms - Offences - Breathalyser - Whether the higher courts erred in disturbing the trial judge's ruling that a reasonable doubt existed with respect to the Applicant's blood alcohol level exceeding 80 mgs. percent - Whether the higher courts erred in characterizing the evidence tendered at trial as "evidence to the contrary" within the meaning of s. 258 (1)(c) of the *Criminal Code* - Whether the higher courts erred in failing to distinguish *R. v. Moreau* from the present case - Whether it constitutes a violation of s. 7 of the *Charter* that an individual can be convicted of "blowing over 80" notwithstanding that he may have only blown 80 and no higher.

PROCEDURAL HISTORY

August 24, 1993
Provincial Court of Alberta
(Dzenick P.C.J.)

Acquittal: of having blood alcohol in excess of .08 did unlawfully operate a motor vehicle and impaired driving contrary to ss. 253 (A) and 253(B) of the *Criminal Code*

February 2, 1994
Court of Queen's Bench of Alberta
(Nash J.)

Appeal of acquittal of charge of operating a motor vehicle with a prohibited amount of alcohol in blood allowed and the matter remitted back to the Provincial Court for a new trial

March 1, 1995
Court of Appeal of Alberta
(Kerans, Irving and Coté JJ.A.)

Leave to appeal denied

May 1, 1995
Supreme Court of Canada

Application for leave to appeal filed

**Jean-Paul Bossé and those additional
plaintiffs listed in the Amended Appendix A
to the fresh-as-amended statement of claim**

v. (24702)

**The Mastercraft Group Inc., Mastercraft Properties Limited,
Mega Development Corporation, Sepam Limited, Confederation Trust, Canadian
Imperial Bank of Commerce, Canada Trustco Mortgage Company,
Royal Bank of Canada, Household Realty Corporation Limited,
Toronto-Dominion Bank, Standard Chartered Bank, Central Guaranty Trust,
the HongKong Bank of Canada, Avco Financial Services Canada Limited,
Laurentian Bank, Mutual Trust Company, National Trust, and Dominion
Security Trust Company (Ont.)**

NATURE OF THE CASE

Procedural law - Commercial law - Rule 20 of the *Rules of Civil Procedure* - Onus of burden - Misrepresentations - Agency - No Repayment Obligations - Altered Debt Instruments - The *Securities Act*, R.S.O. 1990 c. S.5 - Claims by financial institutions for money owing on covenants to pay in mortgages or promises to pay in promissory notes - Loans in default - Denial of Applicants that they were liable - Whether the Applicant's action and related defences should be dismissed under Rule 20 of the *Ontario Rules of Civil Procedure* on a motion for summary judgment - Whether a contract expressly or impliedly prohibited by statute is void or voidable - Whether knowledge of a statutory breach is required to render a transaction void or voidable - Whether a trial should have been ordered with respect to certain assignees as a result of purchases which took place as a result of advertisements placed in newspapers of general and prepaid circulation - Whether the evidence of misrepresentation was sufficient to justify a trial or whether the principles of agency would bind the Respondents to the misrepresentations made by the promoter.

PROCEDURAL HISTORY

December 3, 1993 Ontario Court of Justice (General Division) (Doyle J.)	Judgments against certain Applicants
December 15, 1993 Ontario Court of Justice (General Division) (Sedgwick J.)	Judgments against certain Applicants
January 14, 1994, Ontario Court of Justice (General Division) (Cosgrove J.)	Judgments against certain Applicants
March 28, 1994 Ontario Court of Justice (General Division) (Ground J.)	Summary judgments against certain Applicants in 33 "Ontario Collection Actions" granted
May 6, 1994 Ontario Court of Justice (General Division) (Ground J.)	Summary judgments against certain Applicants in 170 "Ontario Collection Actions" granted
August 8, 1994 Ontario Court of Justice (General Division) (Ground J.)	Motions for dismissal of action in <i>Bosse et al. v. The Mastercraft Group Inc. et al.</i> granted
April 5, 1995 Court of Appeal for Ontario (Morden A.C.J.O, Robins and McKinlay JJ.A.)	Appeals dismissed
May 5, 1995 Supreme Court of Canada	Application for leave to appeal filed
June 6, 1995 Supreme Court of Canada (Sopinka J.)	Application for a stay of proceedings dismissed

**CORAM: CHIEF JUSTICE LAMER AND L'HEUREUX-DUBÉ AND GONTHIER JJ. /
LE JUGE EN CHEF LAMER ET LES JUGES L'HEUREUX-DUBÉ ET GONTHIER**

Le sous-ministre du Revenu du Québec

c. (24666)

Alma Amusement Inc. (Qué.)

NATURE DE LA CAUSE

Droit fiscal - Évaluation - Législation - Interprétation - Taxe de vente - La Cour d'appel du Québec a-t-elle erré en droit en décidant que le contrat en vertu duquel l'intimée met à la disposition des utilisateurs ses appareils d'amusement constitue un contrat de location de biens mobiliers et non un contrat de service de divertissement? - La Cour d'appel a-t-elle erronément conclu que le contrat en question constituait une vente à des fins de revente, location ou relocation, au sens du paragraphe 10 de l'article 2 de la *Loi concernant l'impôt sur la vente en détail*, L.R.Q., ch. I-1?

HISTORIQUE PROCÉDURAL

Le 12 juin 1990
Cour du Québec (Tremblay, J.C.Q.)

Appel de l'intimée contre un avis de cotisation
accueilli

Le 8 mars 1995
Cour d'appel du Québec (Michaud J.C.Q., Bisson et
Rousseau-Houle, J.J.C.A.)

Appel du demandeur rejeté

Le 13 avril 1995
Cour suprême du Canada

Demande d'autorisation d'appel déposée

JUNE 13, 1995 / LE 13 JUIN 1995

**CORAM: SOPINKA, CORY AND IACOBUCCI JJ. /
LES JUGES SOPINKA, CORY ET IACOBUCCI**

Doug French, Donna French, Dan Mahaffy and Deborah Mahaffy

v. (24748)

Her Majesty the Queen

and

Paul Kenneth Bernardo

and

**Thomson Newspapers Company Limited, carrying on business as
The Globe and Mail, the Toronto Star Newspapers Limited, and
Toronto Sun Publishing Corporation Canadian Broadcasting
Stephen Williams and Jane Doe (Crim.)(Ont.)**

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Trial - Evidence - Accessibility to evidence - Rights of victims and their families - Application to restrict public access to videotape evidence - Media opposition - Whether the trial judge erred in making a distinction between the audio and visual components of the videotapes after finding that their public exposure would cause irreparable harm - Whether the trial judge erred in finding no government action with respect to the *Charter* rights of the Families yet finding government action with respect to the media, the accused and Jane Doe in precisely the same facts - Whether the trial judge erred in finding that the videotapes are constitutionally protected expression under s. 2(b) of the *Charter* - Whether the trial judge erred in failing to find that the videotapes amount to a violent form of expression and as such are excluded from *Charter* protection - Whether the trial judge erred in failing to find that a public display of the videotapes would violate *Charter* rights of the families and their deceased daughters protected by ss. 2(a), 7, 12 and 15; and such violations cannot be saved by s. 1 of the *Charter* - Whether the trial judge erred in failing to find that a public display of the videotapes constitutes forced speech in violation of the deceased victims' rights to freedom of expression guaranteed under s. 2(b) of the *Charter* - Whether the trial judge erred in finding that the *Charter* does not extend its protection to deceased persons.

PROCEDURAL HISTORY

May 29, 1995
Ontario Court of Justice (General Division)
(LeSage A.C.J.O.C.)

Application for an order limiting public access to
videotape evidence granted in part

June 2, 1995
Supreme Court of Canada

Application for leave to appeal filed

June 2, 1995
Supreme Court of Canada
(Cory J.)

Ex parte application for a stay of proceedings
dismissed; Application for a stay referred to panel
considering the application for leave

APPLICATIONS FOR LEAVE
SUBMITTED TO COURT SINCE LAST ISSUE

DEMANDES SOUMISES À LA COUR DEPUIS
LA DERNIÈRE PARUTION

JUNE 15, 1995 / LE 15 JUIN 1995

24616 **IRENE GAIL GRENKOW - v. - HER MAJESTY THE QUEEN** (Crim.)(N.S.)

CORAM: The Chief Justice and Gonthier and Iacobucci JJ.

The application for extension of time is granted and the application for leave to appeal is dismissed.

La demande de prorogation de délai est accordée et la demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Criminal law - Canadian Charter of Rights and Freedoms - Offence - Arson - Whether the Court of Appeal and trial judge erred in finding that the search conducted by the district fire chief did not amount to an unlawful and unreasonable search contrary to s. 8 of the *Charter* - Whether the Court of Appeal erred in finding the search was authorized by ss. 460(1) and 462 of the *City Charter* and in finding that these provisions were not inconsistent with s. 8 of the *Charter*.

24603 **DIEUDONNÉ BÉRUBÉ ET GAÉTAN DUBOIS - c. - LE PROCUREUR GÉNÉRAL DU QUÉBEC** (Qué.)

CORAM: Le Juge en chef et les juges L'Heureux-Dubé et Gonthier

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

The application for leave to appeal is dismissed with costs.

NATURE DE LA CAUSE

Procédure - Procédure civile - Appel - Droit des biens - Couronne - Titres de propriété - Requête pour dépossession présentée par l'intimé en vertu de l'art. 60 de la *Loi sur les terres du domaine public*, L.R.Q. 1977, ch. T-8.1, accueillie - Appel interjeté par les demandeurs aux motifs que la seule défense permise par le premier juge devait consister à faire une preuve démontrant la possession justifiée ou l'occupation avec droit et que les demandeurs n'ont pu plaider l'illégalité de règlements adoptés en vertu de la *Loi* - Est-ce que le premier juge pouvait refuser d'entendre la preuve des demandeurs en statuant sur sa non-pertinence alors qu'elle ne lui avait pas encore été présentée? - Est-ce que la Cour d'appel a erré en accordant la requête en rejet d'appel présentée par l'intimé, en vertu de l'art. 501(5) du *Code de procédure civile*, au motif que l'appel des demandeurs était abusif et dilatoire?

24608 **EVANGELOS EXARHOS - c. - BANQUE DE NOUVELLE-ÉCOSSE** (Qué.)

CORAM: Le Juge en chef et les juges L'Heureux-Dubé et Gonthier

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

The application for leave to appeal is dismissed with costs.

NATURE DE LA CAUSE

Responsabilité civile - Banques et opérations bancaires - Prêt - Dommages-intérêts - Évaluation - Preuve - Marge de crédit - Bris de contrat - Tribunaux de première instance et d'appel concluant que l'intimée avait abusé de ses droits - Quantum des dommages - La Cour d'appel a-t-elle erré en décidant que le premier juge ne pouvait tenir compte du rapport sur lequel s'appuyait le demandeur pour sa réclamation de perte de profits, en l'absence du témoignage de l'auteur du rapport? - En analysant de nouveau la preuve faite à cet égard, la Cour d'appel a-t-elle erré en concluant que le demandeur exploitait son entreprise à perte pendant la période concernée et que le dossier ne contenait aucune autre preuve quant à l'existence d'une perte de profits? - La Cour d'appel a-t-elle erré en révisant la conclusion du premier juge relative aux dommages accordés pour la disparition de biens saisis?

24659 **ALINE GOYETTE - c. - MARCEL LAPORTE ET RICHARD LAPORTE** (Qué.)

CORAM: Le Juge en chef et les juges L'Heureux-Dubé et Gonthier

La demande d'autorisation d'appel et la demande de sursis des procédures sont rejetées avec dépens.

The application for leave to appeal and the application for a stay of proceedings are dismissed with costs.

NATURE DE LA CAUSE

Code civil - Droit des biens - Titres de propriété - Biens immeubles - Offre d'achat signée par la demanderesse - Action des intimés en dommages-intérêts par suite du refus de la demanderesse de signer l'acte de vente devant notaire accueillie - Appel de la demanderesse rejetée - Des dommages-intérêts peuvent-ils être accordés pour les gains perdus? - Quelle est la conséquence du dol dont la demanderesse se dit victime? L'action des intimés est-elle prescrite?

24564 **CAROLINE WEDEKIND AND SUSAN CLARK - v. - THE DIRECTOR OF INCOME MAINTENANCE BRANCH OF THE MINISTRY OF COMMUNITY & SOCIAL SERVICES** (Ont.)

CORAM: The Chief Justice and Gonthier and Iacobucci JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Civil rights - Social welfare - Judicial review - Statutes - Statutory Instruments - Interpretation - Whether the Court of Appeal erred in holding that the Applicant must include as income for the purposes of calculating her entitlement to benefits under the *Family Benefits Act*, amounts deducted at source under the *Income Tax Act* - Whether the Court of Appeal erred in concluding that no curial deference was owed to the decision of the Social Assistance Review Board in light of its specialized mandate.

24459 **JOHN McLEOD v. THE LAW SOCIETY OF SASKATCHEWAN** (Sask.)

CORAM: La Forest, Cory and Major JJ.

The application for an extension of time is granted and the application for leave to appeal is dismissed with costs.

La demande de prorogation de délai est accordée et la demande d'autorisation d'appel est rejetée avec dépens.

NATURE OF THE CASE

Procedural law - Law of professions - Barristers and solicitors - Property law - Real property - Mortgages - Land titles - Lease with option to purchase - Transfer of rights - Whether the Court of Appeal erred in allowing the Law Society of Saskatchewan to act as Plaintiff.

24610 **WAHID KHALIL BAROUD v. THE MINISTER OF CITIZENSHIP AND IMMIGRATION, THE SOLICITOR GENERAL OF CANADA and HER MAJESTY THE QUEEN** (Ont.)

CORAM: La Forest, Cory and Major JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Immigration - Administrative law - Prerogative writs - Procedural law - Jurisdiction - Whether the Court of Appeal erred in not determining the constitutional validity of the Applicant's detention under s.40.1 of the *Immigration Act* - Whether the Court of Appeal erred in its interpretation of the rights guaranteed under s. 10 of the *Charter* and in its analysis of the judicial discretion to refuse to hear an application for *habeas corpus* in light of s. 1 of the *Charter*.

24748 **DOUG FRENCH, DONNA FRENCH, DAN MAHAFFY AND DEBORAH MAHAFFY v. HER MAJESTY THE QUEEN AND PAUL KENNETH BERNARDO - and - THOMSON NEWSPAPERS COMPANY LIMITED, CARRYING ON BUSINESS AS THE GLOBE AND MAIL, THE TORONTO STAR NEWSPAPERS LIMITED, AND TORONTO SUN PUBLISHING CORPORATION, CANADIAN BROADCASTING CORPORATION, THE CANADIAN PRESS AND BROADCAST NEWS LTD., STEPHEN WILLIAMS AND JANE DOE (Crim.)(Ont.)**

CORAM: Sopinka, Cory and Iacobucci JJ.

The application for leave to appeal is dismissed. It follows that the stay application must be dismissed and it is unnecessary to deal with the application to intervene.

La demande d'autorisation de pourvoi est rejetée. Il s'ensuit que la demande de sursis doit être rejetée et il n'est pas nécessaire d'examiner la demande d'intervention.

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Trial - Evidence - Accessibility to evidence - Rights of victims and their families - Application to restrict public access to videotape evidence - Media opposition - Whether the trial judge erred in making a distinction between the audio and visual components of the videotapes after finding that their public exposure would cause irreparable harm - Whether the trial judge erred in finding no government action with respect to the *Charter* rights of the Families yet finding government action with respect to the media, the accused and Jane Doe in precisely the same facts - Whether the trial judge erred in finding that the videotapes are constitutionally protected expression under s. 2(b) of the *Charter* - Whether the trial judge erred in failing to find that the videotapes amount to a violent form of expression and as such are excluded from *Charter* protection - Whether the trial judge erred in failing to find that a public display of the videotapes would violate *Charter* rights of the families and their deceased daughters protected by ss. 2(a), 7, 12 and 15; and such violations cannot be saved by s. 1 of the *Charter* - Whether the trial judge erred in failing to find that a public display of the videotapes constitutes forced speech in violation of the deceased victims' rights to freedom of expression guaranteed under s. 2(b) of the *Charter* - Whether the trial judge erred in finding that the *Charter* does not extend its protection to deceased persons.

9.6.1995

Before / Devant: CORY J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Pension Commission of Ontario

IN/DANS: Ernst & Young Inc.

v. (24259)

Price Waterhouse Ltd. et al. (Ont.)

GRANTED / ACCORDÉE

9.6.1995

Before / Devant: THE REGISTRAR

**Motion to extend the time in which to file the
respondent's factum**

Her Majesty The Queen

v. (24227)

Michael Thomas Shropshire (B.C.)

**Requête en prorogation du délai de dépôt du
mémoire de l'intimé**

With the consent of the parties.

GRANTED / ACCORDÉE Time extended to May 31, 1995.

9.6.1995

Before / Devant: THE REGISTRAR

Motion to accept leave application in its present form

B.C. Bancorp

v. (24754)

T. Andrew Hockin et al. (B.C.)

GRANTED / ACCORDÉE

12.6.1995

Before / Devant: THE REGISTRAR

Requête en acceptation de la demande d'autorisation dans sa forme actuelle

With the consent of the parties.

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

Royal Bank of Canada

v. (24650)

Gary Melvin Wilton et al. (Alta.)

Requête en prorogation du délai de dépôt de la réplique de la requérante

With the consent of the parties.

GRANTED / ACCORDÉE Time extended to June 5, 1995.

13.6.1995

Before / Devant: THE REGISTRAR

**Motion to extend the time in which to file the
respondent's response**

Alton William Royer

v. (24640)

Her Majesty The Queen (Ont.)

GRANTED / ACCORDÉE Time extended to June 9, 1995.

13.6.1995

Before / Devant: CORY J.

**Requête en prorogation du délai de dépôt de la
réponse de l'intimée**

With the consent of the parties.

Motion to extend the time in which to apply for leave to appeal

Joseph De Francesca

v. (24767)

Her Majesty The Queen (Ont.)

Requête en prorogation du délai de dépôt de l'autorisation d'appel

With the consent of the parties.

GRANTED / ACCORDÉE Time extended to July 27, 1995.

14.6.1995

Before / Devant: CORY J.

Motion to extend the time in which to apply for leave to appeal

George Ernest Hunt

v. (24769)

Lac D'Amiante du Québec Ltée et al. (B.C.)

Requête en prorogation du délai de dépôt de l'autorisation d'appel

With the consent of the parties.

GRANTED / ACCORDÉE Time extended to June 8, 1995.

6.6.1995

Before / Devant: SOPINKA J.

Motion for a stay of execution

Jean-Paul Bossé et al.

v. (24702)

The Mastercraft Group Inc. et al. (Ont.)

Requête en vue de surseoir à l'exécution**DISMISSED / REJETÉE**

This is an application for a stay of proceedings in respect of a number of actions launched by various lending institutions to enforce the payment of loans made by them to the applicants. On motion under Rule 20 of the Rules of Civil Procedure, Ground J. granted summary judgment against the applicants. The Court of Appeal held that none of the grounds of appeal disclosed a genuine issue for trial and dismissed the appeal.

The test for the granting of a stay was recently restated by this Court in *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 S.C.R. 311. Accepting without deciding that this appeal has the necessary degree of merit, I am not satisfied either that the applicants would suffer irreparable harm if the application is refused or that the balance of convenience favours granting a stay. In this regard, I note that the respondent financial institutions have undertaken neither to sell the principal residence of any of the applicants nor to petition any applicant into bankruptcy pending the disposition of the application for leave to appeal, except where an applicant has taken part in any fraudulent preference or conveyance.

The application is dismissed with costs without prejudice to a renewal of the application in the event that leave to appeal is granted.

15.6.1995

Before / Devant: CORY J.

Nous sommes saisis ici d'une demande de suspension d'instance relativement à un certain nombre d'actions intentées par divers établissements de crédit en vue d'obtenir le remboursement de prêts consentis aux requérants. À la suite d'une motion fondée sur l'art. 20 des *Règles de procédure civile*, le juge Ground a prononcé un jugement sommaire défavorable aux requérants. La Cour d'appel a conclu qu'aucun des moyens d'appel avancés n'était vraiment matière à procès et elle a rejeté l'appel.

Notre Cour a formulé de nouveau le critère applicable pour accorder une suspension d'instance dans l'arrêt *RJR -- MacDonald Inc. c. Canada (Procureur général)*, [1994] 1 R.C.S. 311. Tout en acceptant, sans en décider, que le présent pourvoi est suffisamment fondé, je ne suis pas convaincu non plus que les requérants subiraient un préjudice irréparable si la demande était rejetée, ni que la prépondérance des inconvénients favorise une suspension d'instance. À cet égard, je remarque que les établissements de crédit intimés n'ont entrepris ni de vendre la résidence principale de l'un ou l'autre des requérants, ni de déposer une pétition en faillite contre l'un d'eux en attendant que soit tranchée la demande d'autorisation de pourvoi, si ce n'est dans le cas d'un requérant qui a pris part à une préférence ou à une cession frauduleuse.

La demande est rejetée avec dépens sous toutes réserves du droit de renouveler la demande dans l'éventualité où l'autorisation de pourvoi serait accordée.

**Motion to extend the time in which to apply for
leave to appeal**

Brady Lewis Williams

v. (24770)

Her Majesty The Queen (B.C.)

**Requête en prorogation du délai pour obtenir
l'autorisation d'appel**

With the consent of the parties.

GRANTED / ACCORDÉE Time extended to July 31, 1995.

6.6.1995

Donald Leo R., et al.

v. (24766)

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

AS OF RIGHT

9.6.1995

Alain Labonté

c. (24768)

Sa Majesté La Reine (Crim.)(Qué.)

DE PLEIN DROIT

12.6.1995

Howard Pamajewon et al.

v. (24596)

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

12.6.1995

John Robert Verdun

v. (24604)

The Toronto-Dominion Bank (Ont.)

12.6.1995

Her Majesty The Queen

v. (24360)

Alexander Nikolovski (Ont.)

5.6.1995

**IN THE MATTER of a Reference from the
Lieutenant-Governor-in-Council Pursuant to
Section 18 of the *Supreme Court Act*, R.S.P.E.I.
1988, Cap. S-10, Regarding the Independence
and Impartiality of Judges of the Provincial
Court of Prince Edward Island**

Omer Pineau

v. (24778)

Attorney General of P.E.I. (P.E.I.)

AS OF RIGHT

14.6.1995

Sa Majesté La Reine

c. (24551)

Denis Laporte (Crim.)(Qué.)

15.6.1995

**Syndicat national des employés de l'Hôpital St-
Ferdinand et al.**

c. (24511)

Le Curateur public, M^e Rémi Lussier et al. (Qué.)

**APPEALS HEARD SINCE LAST ISSUE
AND DISPOSITION**

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

12.6.1995

CORAM: Chief Justice Lamer and La Forest, L'Heureux-Dubé, Sopinka, Gonthier, Cory, McLachlin, Iacobucci and Major JJ.

J.P.

v. (24171)

**MacMillan Bloedel Ltd. and the Attorney General
of B.C. (B.C.)**

Marilyn E. Sandford, for the appellant.

John R. Haig, Q.C., for the intervener the A.G. of
Canada.

Peter W. Ewert, Q.C., for the respondent the A.G. of
B.C.

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

Criminal law - Young offenders - Jurisdiction - Statutes - Interpretation - Appellant arrested for disobeying injunction aimed to prevent interference with Respondent's rights to harvest timber in Clayoquot Sound - Whether the Courts erred in their interpretation of the jurisdiction of Youth Courts under the *Young Offenders' Act*.

Nature de la cause:

Droit criminel - Jeunes contrevenants - Compétence - Lois - Interprétation - L'appellant a été arrêté pour avoir désobéi à une injonction visant à prévenir toute entrave aux droits de l'intimée d'abattre des arbres à Clayoquot Sound - Les tribunaux ont-ils commis une erreur dans l'interprétation de la compétence des tribunaux pour adolescents sous le régime de la *Loi sur les jeunes contrevenants*?

12.6.1995

CORAM: Sopinka, Cory, McLachlin, Iacobucci and Major JJ.

William David Pelfrey

v. (24367)

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

and between

Michael E. Collins

v. (24410)

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

RESERVED / EN DÉLIBÉRÉ

Brian Greenspan, for the appellant William David Pelfrey.

Alison Wheeler, for the appellant Michael E. Collins.

C. Jane Arnup, for the respondent.

Nature of the case:

Canadian Charter of Rights and Freedoms - Criminal law - Trial - Right to be tried within reasonable time - Four and one half month of twenty-two month delay attributable to Crown - Accused in custody pre-trial.

Nature de la cause:

Charte canadienne des droits et libertés) Droit criminel) Droit d'être jugé dans un délai raisonnable) Sur un délai de 22 mois, quatre et demi sont attribuables au ministère public) Accusés détenus avant le procès.

13.6.1995 to au 14.6.1995

CORAM: La Forest, L'Heureux-Dubé, Sopinka, Gonthier, Cory, McLachlin and Major JJ.

**Joseph Apsassin, Chief of the Blueberry River
Indian Band et al.**

v. (23516)

**Her Majesty The Queen in Right of Canada
(F.C.A.)(B.C.)**

Thomas R. Berger, Q.C., Leslie J. Pinder, Arthur
Pape and Gary Nelson, for the appellants.

Marvin R.V. Storrow, Q.C. and Maria Morellato, for
the interveners Chief George Guerin et al.

James O'Reilly, Edward Molstad, Q.C. and Chantal
Chatelain, for the interveners Chief Abel Bosum et
al.

James O'Reilly, Edward Molstad, Q.C. and L.
Douglas Rae, for the interveners Chief Terry Buffalo
et al.

Peter K. Doody and John E.S. Briggs, for the
interveners the Assembly of First Nations.

Yvan Whitehall, Q.C., John R. Haig, Q.C. and
Mitchell R. Taylor, for the respondent.

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

Indians - Procedural law - Property law - Statutes -
Interpretation - Limitation of actions - Agency - Land
claims - Fiduciary duty - Mineral rights - Appellants
surrendering mineral rights and reserve land - Reserve
land later transferred to veterans - Appellants bringing
action in damages and seeking declaration that
surrenders and transfer were null and void - Whether
the majority of the Federal Court of Appeal erred in
holding the mineral rights were included in the 1945
surrender - Whether the majority erred in holding the
Crown's fiduciary duty was extinguished by the
transfer of the land to the Director, *Veterans' Land Act*
- Whether the majority erred in holding the claim was
statute-barred.

Nature de la cause:

Indiens) Droit procédural) Droit des biens) Lois
) Interprétation) Prescription) Mandat)
Revendications territoriales) Obligation fiduciaire
) Cession de droits miniers et de terres de réserve
par les appelants) Terres de réserve plus tard
transférées à des anciens combattants) Action des
appelants réclamant des dommages-intérêts et une
déclaration de nullité de la cession et du transfert)
La Cour d'appel fédérale à la majorité a-t-elle
commis une erreur en concluant que les droits
miniers étaient inclus dans la cession de 1945?) La
majorité a-t-elle commis une erreur en concluant que
l'obligation fiduciaire de la Couronne a été éteinte
par le transfert des terres au Directeur des terres
destinées aux anciens combattants?) La majorité a-
t-elle commis une erreur en concluant que la
réclamation était prescrite?

15.6.1995

CORAM: Chief Justice Lamer and La Forest, L'Heureux-Dubé, Sopinka, Gonthier, Cory, McLachlin, Iacobucci
and Major JJ.

Her Majesty The Queen

William F. Ehrcke, for the appellant.

v. (24227)

Michael Thomas Shropshire (Crim.)(B.C.)

Anthony H. Zipp, for the respondent.

ALLOWED reasons to follow / ACCUEILLI motifs à suivre

Nature of the case:

Criminal law - Sentencing - Respondent pleading guilty to a charge of second degree murder - Whether the Court of Appeal erred in holding that neither general deterrence nor specific deterrence should have any application in setting a period of parole ineligibility for second degree murder of longer than 10 years - Whether the Court of Appeal erred in ruling that the only two factors which are relevant in considering a period of parole ineligibility for second degree murder of longer than ten years are an assessment of future dangerousness and denunciation - Whether the Court of Appeal erred in ruling that denunciation would not justify a period of parole ineligibility of longer than 10 years unless it is concluded that the extra denunciation is worth more than \$50,000.00 a year to society - Whether the Court of Appeal erred in finding that the Respondent's refusal, even after conviction, to disclose any explanation for the killing, was not a relevant consideration which would justify a period of parole ineligibility of longer than 10 years.

Nature de la cause:

Droit criminel — Détermination de la peine — L'intimé a plaidé coupable à l'accusation de meurtre au deuxième degré — La cour d'appel a-t-elle eu tort de juger que ni la dissuasion générale ni la dissuasion particulière ne devraient avoir quelque rôle à jouer dans la détermination, à plus de 10 ans, de la période d'inadmissibilité à la libération conditionnelle dans le cas d'un meurtre au deuxième degré? — La cour d'appel a-t-elle eu tort de statuer que les deux seuls facteurs pertinents, lorsqu'il est envisagé de fixer à plus de dix ans la période d'inadmissibilité à la libération conditionnelle, sont la dangerosité et l'exemplarité? — La cour d'appel a-t-elle eu tort de statuer que l'exemplarité ne peut justifier une période d'inadmissibilité à la libération conditionnelle fixée à plus de 10 ans à moins que l'on puisse conclure qu'une plus grande exemplarité vaut les 50 000 \$ par année qu'elle coûte à la société? — La cour d'appel a-t-elle eu tort de conclure que le refus de l'intimé, même après qu'il eut été déclaré coupable, de fournir une explication pour le meurtre commis, n'était pas un facteur pertinent pouvant justifier une période d'inadmissibilité à la libération conditionnelle supérieure à 10 ans?

15.6.1995

CORAM: Chief Justice Lamer and La Forest, L'Heureux-Dubé, Gonthier, Cory, Iacobucci and Major JJ.

Joseph Leslie Chaisson

Brian B. Doucet, for the appellant.

v. (24129)

Her Majesty The Queen (Crim.)(N.B.)

Mary Elizabeth Beaton, for the respondent.

THE CHIEF JUSTICE (orally) -- Being all of the view that from a s. 741.2 order there lies an appeal to a provincial Court of Appeal, this appeal is allowed and the record is referred back to the Court of Appeal of New-Brunswick for reconsideration of the application for leave to appeal. Reasons to follow.

LE JUGE EN CHEF (oralement) -- Étant donné que nous sommes tous d'avis qu'une ordonnance fondée sur l'art. 741.2 [du *Code criminel*] peut faire l'objet d'un appel devant une cour d'appel provinciale, le présent pourvoi est accueilli et le dossier est renvoyé devant la Cour d'appel du Nouveau-Brunswick pour qu'elle procède à un nouvel examen de la demande d'autorisation d'appel. Motifs à suivre.

WEEKLY AGENDA

ORDRE DU JOUR DE LA SEMAINE

AGENDA for the week beginning June 19, 1995.
ORDRE DU JOUR pour la semaine commençant le 19 juin 1995.

Date of Hearing/
Date d'audition

Case Number and Name/
Numéro et nom de la cause

The bulletin of Friday, June 23, 1995 will be the last issued for the Spring session. /

Le bulletin du vendredi 23 juin 1995 sera le dernier pour la session du printemps.

NOTE:

This agenda is subject to change. Hearing dates should be confirmed with Process Registry staff at (613) 996-8666.

Cet ordre du jour est sujet à modification. Les dates d'audience devraient être confirmées auprès du personnel du greffe au (613) 996-8666.

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 : **October 2, 1995**
Service : September 11, 1995
Filing : September 18, 1995
Respondent : September 25, 1995

Motion day : **November 6, 1995**
Service : October 16, 1995
Filing : October 23, 1995
Respondent : October 30, 1995

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 : **2 octobre 1995**
Signification : 11 septembre 1995
Dépot : 18 septembre 1995
Intimé : 25 septembre 1995

Audience du : **6 novembre 1995**
Signification : 16 octobre 1995
Dépot : 23 octobre 1995
Intimé : 30 octobre 1995

DEADLINES: APPEALS

The next session of the Supreme Court of Canada commences on October 2, 1995.

Pursuant to the *Supreme Court Act* and *Rules*, the following requirements for filing must be complied with before an appeal will be inscribed and set down for hearing:

Case on appeal must be filed within three months of the filing of the notice of appeal.

Appellant's factum must be filed within five months of the filing of the notice of appeal.

Respondent's factum must be filed within eight weeks of the date of service of the appellant's factum.

Intervener's factum must be filed within two weeks of the date of service of the respondent's factum.

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

The Registrar shall enter on a list all appeals inscribed for hearing at the October 1995 Session on August 8, 1995.

DÉLAIS: APPELS

La prochaine session de la Cour suprême du Canada débute le 2 octobre 1995.

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 d'appel doit être déposé dans les trois mois du dépôt de l'avis d'appel.

Le mémoire de l'appellant doit être déposé dans les cinq mois du dépôt de l'avis d'appel.

Le mémoire de l'intimé doit être déposé dans les huit semaines suivant la signification de celui de l'appellant.

Le mémoire de l'intervenant doit être déposé dans les deux semaines suivant la signification de celui de l'intimé.

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

Le 8 août 1995, le registraire met au rôle de la session d'octobre 1995 tous les appels inscrits pour audition.