

**CONTENTS****TABLE DES MATIÈRES**

---

Applications for leave to appeal filed	2702	Demandes d'autorisation d'appels produites
Applications for leave submitted to Court since last issue	2703 - 2717	Demandes soumises à la Cour depuis la dernière parution
Oral hearing ordered	-	Audience ordonnée
Oral hearing on applications for leave	-	Audience sur les demandes d'autorisation d'autorisation
Judgments on applications for leave	2718 - 2732	Jugements rendus sur les demandes d'autorisation
Motions	2733 - 2735	Requêtes
Notices of appeal filed since last issue	2736	Avis d'appel produits depuis la dernière parution
Notices of intervention filed since last issue	2737	Avis d'intervention produits depuis la dernière parution
Notices of discontinuance filed since last issue	-	Avis de désistement produits depuis la dernière parution
Appeals heard since last issue and disposition	2738 - 2739	Appels entendus depuis la dernière parution et résultat
Pronouncements of appeals reserved	-	Jugements rendus sur les appels en délibéré
Headnotes of recent judgments	-	Sommaires des arrêts récents
Weekly agenda	2740	Ordre du jour de la semaine
Summaries of the cases	-	Résumés des affaires
Cumulative Index - Leave	2741 - 2763	Index cumulatif - Autorisations
Cumulative Index - Appeals	2764 - 2769	Index cumulatif - Appels
Appeals inscribed - Session beginning	-	Pourvois inscrits - Session commençant le
Notices to the Profession and Press Release	-	Avis aux avocats et communiqué de presse
Schedule re Motions before the Court	2770	Calendrier des requêtes à la Cour
Requirements for filing a case	2771	Préalables en matière de production

**APPLICATIONS FOR LEAVE TO  
APPEAL FILED**

**Charles Kieling**  
Representing himself

v. (23258)

**Saskatchewan Wheat Pool (Sask.)**  
A. John Beke, Q.C.

FILING DATE 28.10.1992

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**David Murray-Audain**

v. (23314)

**Mary Jane Jackson (Ont.)**

FILING DATE 24.11.1992

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**Vincent George Sinclair**

v. (23316)

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

FILING DATE 30.11.1992

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**Ivan Penava et al.**

v. (23319)

**Crawford M. MacIntyre et al. (Ont.)**  
J. Brian Casey  
Gardiner, Roberts

FILING DATE 30.11.1992

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**Yvon Descoteaux**  
Yvon Descoteaux

c. (23322)

**La Banque nationale du Canada (Qué.)**  
Smith Saint-Martin & Morin

DATE DE PRODUCTION 2.12.1992

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**DEMANDES D'AUTORISATION  
D'APPEL PRODUITES**

**Gornergrat Developments Ltd. et al.**  
James A.S. Dunbar  
Fraser & Beatty

v. (23323)

**Ryan Road Developments Inc. (Ont.)**  
Lenczner Slaght

FILING DATE 7.12.1992

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**Palasanthiran Sandrasegarampillai**  
Pierre Poupart  
Poupart & Courmoyer

c. (23324)

**Sa Majesté La Reine (Qué.)**  
Michel F. Denis  
Subs. proc. général

DATE DE PRODUCTION 26.11.1992

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**Leonard Farinacci, Yves Lepine & Kenneth  
Jeffreys**

Frank Addario  
Ruby & Edwardh, for Farinacci

David Harris  
Carter & Minden, for Lepine

James Lockyer  
Pinkofsky, Lockyer, Kwinter, for Jeffreys

v. (23059 - 026 - 061)

**Her Majesty the Queen (Ont.)**  
A. G. of Canada

FILING DATE 1.12.1992

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

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

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DECEMBER 7, 1992 / LE 7 DÉCEMBRE 1992

**CORAM: THE CHIEF JUSTICE AND McLACHLIN AND IACOBUCCI JJ. /  
LE JUGE EN CHEF ET LES JUGES McLACHLIN ET IACOBUCCI**

**Alain Robitaille**

**v. (23292)**

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

**NATURE OF THE CASE**

Criminal law - *Canadian Charter of Rights and Freedoms* - Evidence - Trial procedure - Charge to the jury - Did the Court of Appeal err in law in concluding that the exhortation to the jury did not amount to coercion of the jury and a usurpation of their function in infringement of s. 11(d) of the *Charter*? - Whether the Court of Appeal erred in law in concluding that the trial judge's comments on reasonable doubt in his charge and exhortation to the jury did not result in an unfair trial for the Applicant in violation of s. 11(d) of the *Charter* - Whether the Court of Appeal erred in law in concluding that the opinions expressed by the trial judge about the evidence of the defence witness in his charge to and answers to questions from the jury did not deprive the Applicant of a fair trial in infringement of s. 11(d) of the *Charter of Rights and Freedoms*.

**PROCEDURAL HISTORY**

May 4, 1990  
County Court of Vancouver  
(Wetmore J.)

Conviction: robbery and use of firearm in  
commission of an offence

April 28, 1992  
Court of Appeal of British Columbia  
(Locke, Proudfoot and Gibbs JJ.A.)

Appeal dismissed

November 13, 1992  
Supreme Court of Canada

Application for leave to appeal and for an extension  
of time filed

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**Darryl Reginald Eyford**

**v. (23295)**

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

**NATURE OF THE CASE**

Criminal law - Evidence - Pre-trial procedure - Jury selection - Was the jury properly constituted pursuant to the *Criminal Code*? - Whether the Court of Appeal erred in holding that the trial judge had jurisdiction to enquire behind the record to determine whether the jury was properly constituted - Whether the Court of Appeal erred in holding that the trial judge did

not err in failing to state the standard of proof in his determinations and that the Court of Appeal could substitute their determination for that of the trial judge on what may have been a different standard of proof - Whether the Court of Appeal erred in holding that the trial judge did not err in discussing matters of substance and credibility with a potential witness outside of the presence of the Applicant - Whether s. 686 of the *Criminal Code* could be applied.

**PROCEDURAL HISTORY**

October 22, 1990 Supreme Court of British Columbia (Murray J.)	Order: jury validly constituted
September 14, 1992 Court of Appeal for British Columbia (McEachern C.J.B.C., Wood and Gibbs JJ.A.)	Appeal dismissed
November 12, 1992 Supreme Court of Canada	Application for leave to appeal filed

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**Robert Perreault**

**c. (23285)**

**Sa Majesté la Reine (Crim.)(Qué.)**

**NATURE DE LA CAUSE**

*Charte canadienne des droits et libertés* - Droit criminel - Police - Preuve - Arrestation sans mandat - Quels éléments la police doit-elle mettre en preuve lors du procès pour établir l'existence des motifs raisonnables et probables qui ont, selon elle, justifié l'arrestation sans mandat? - La Cour d'appel a-t-elle erré en droit en concluant que l'arrestation sans mandat du demandeur était légale? - Art. 1, 7, 9 et 24(2) de la *Charte*.

**HISTORIQUE PROCÉDURAL**

Le 18 mai 1990 Cour supérieure du Québec (Steinberg j.c.s.)	Verdict: demandeur reconnu coupable de meurtre au premier degré
Le 10 août 1992 Cour d'appel du Québec (Beauregard, Nichols et Moisan [ <i>ad hoc</i> ], j.j.c.a.)	Pourvoi rejeté
Le 2 novembre 1992 Cour suprême du Canada	Demande d'autorisation d'appel déposée

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**Wes Kirk**

v. (23293)

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

**NATURE OF THE CASE**

Criminal law - *Canadian Charter of Rights and Freedoms* - Evidence - Offences - Interpretation - Applicant police officer prohibited from possessing firearms - Whether s. 100(1) of the *Criminal Code* infringes s. 12 of the *Canadian Charter of Rights and Freedoms* - Whether if, as applied to the Applicant, section 100(1) violates s. 12 of the *Charter* and is not saved by virtue of s. 1 of the *Charter*.

**PROCEDURAL HISTORY**

January 15, 1992  
Provincial Court, Criminal Division  
(Laing, Prov. Ct. J.)

Conviction: S. 267(1) of the *Criminal Code*, assault causing bodily harm. S. 100(1) order prohibiting Applicant from possessing any firearm, ammunition or other explosive device

March 20, 1992  
Court of Appeal for Ontario  
(Krever, Galligan and Doherty JJ.A.)

S. 100(1) order stayed pending determination of the appeal

October 7, 1992  
Court of Appeal for Ontario  
(Houlden, Tarnopolsky and Austin JJ.A.)

Appeal dismissed

November 13, 1992  
Supreme Court of Canada

Application for leave to appeal filed

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**Willmor Discount Corporation**

v. (23220)

**Ville de Vaudreuil (Qué.)**

**NATURE OF THE CASE**

*Civil Code* - Municipal law - Municipal corporations - Taxation - Property law - Real property - Sale - Remedies - Unjust enrichment - *Répétition de l'indu* - Immoveables belonging to the Applicant sold at auction for non-payment of taxes - City acquiring the immoveables and selling them to a third party - By-law pursuant to which the taxes had been assessed declared null and void and, in consequence, sale at auction of the immoveables declared null and void - Whether, by virtue of its ownership, the Applicant is entitled to receive the proceeds of the sale of its property - Whether the Applicant is entitled to receive the proceeds of the sale of its property by the application of the institution of *répétition de l'indu* or the institution of *remise en état* or the institution of unjustified enrichment.

**PROCEDURAL HISTORY**

March 8, 1988 Superior Court of Quebec (Vaillancourt J.)	Action dismissed
June 15, 1992 Court of Appeal of Quebec (McCarthy, Vallerand and Rousseau-Houle JJ.A.)	Appeal dismissed
October 15, 1992 Supreme Court of Canada	Application for leave to appeal filed

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

**Her Majesty the Queen**

**v. (23202)**

**John James Baker (Crim.)(Nfld.)**

**NATURE OF THE CASE**

Criminal law - *Canadian Charter of Rights and Freedoms* - Evidence - Procedural law - Trials - Whether the Court of Appeal erred in concluding that a second trial after the ordering of a mistrial would violate s. 7 of the *Canadian Charter of Rights & Freedoms* - Whether the Court of Appeal erred in holding that a proper determination of whether a stay of proceedings should be entered could be made at the beginning of the trial and prior to any evidence of possible prejudice being considered - Whether the Court of Appeal erred in holding that a stay of proceedings was an appropriate remedy considering that the mistrial was caused solely by the trial judge's error, there was no evidence of any prejudice to the Respondent and there were a number of other remedies that would have been appropriate.

**PROCEDURAL HISTORY**

January 18, 1991 Supreme Court of Newfoundland, Trial Division (Lang J.)	Mistrial declared; new trial ordered
April 30, 1991 Supreme Court of Newfoundland, Trial Division (Aylward J.)	Order: stay of proceedings

June 25, 1992  
Court of Appeal of Newfoundland  
(Goodridge C.J.N., Gushue and  
O'Neill J.J.A.)

Appeal dismissed

October 9, 1992  
Supreme Court of Canada

Application for leave to appeal filed

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**David Pearlman and Esther Pearlman**

**v. (23008)**

**The City of Winnipeg, Dr. Roper G. Cadham and Edward Grabinski and  
R.A. Harris and The City of Winnipeg (Man.)**

**NATURE OF THE CASE**

Administrative law - Procedural law - Municipal law - Does the law of Manitoba permit a City of Winnipeg inspector to effectively placard, remove tenants, and ultimately demolish the property of a citizen without notice to the property owner and without the property owner having any right to appeal? - Can the inspector validate his actions with the use of a rubber stamp bearing the stencilled signature of the Medical Officer of Health, whether or not the Medical Officer of Health had any involvement whatsoever in the decisions? - Should action have been taken under *Public Health Act* as opposed to the *City of Winnipeg Act*? - Can a notice which is demonstrably unlawful as not being authorized by the Medical Officer of Health form the basis for the demolition of property belonging to private citizens? - Can conduct of Respondent City and its officials be sanctioned by a court of law?

**PROCEDURAL HISTORY**

November 1, 1989  
Court of Queen's Bench  
(Hirschfield J.)

Applicants' actions dismissed

February 21, 1992  
Court of Appeal for Manitoba  
(O'Sullivan [dissenting] and Huband and Helper  
J.J.A.)

Appeal dismissed

May 19, 1992  
Supreme Court of Canada

Application for leave to appeal filed

October 16, 1992  
Court of Appeal for Manitoba  
(O'Sullivan, Huband and Helper J.J.A.)

Application for leave to appeal to the Supreme Court  
of Canada dismissed

December 1, 1992  
Supreme Court of Canada  
(Iacobucci J.)

Application for extension of time for leave to appeal  
to the Supreme Court of Canada granted

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**The Friends of the Athabasca Environmental Association  
and the Prosperity Environmental Association**

**v. (23208)**

**Jerry Lack, Director of Standards and Approvals, Her Majesty the  
Queen in right of Alberta and Alberta-Pacific Forest Industries Inc. (Alta.)**

**NATURE OF THE CASE**

Administrative law - Constitutional law - Judicial review - Evidence - Does the principle of constitutional law enunciated in *Roncarelli v. Duplessis* apply to modern government in the environmental area - Rules of evidence for civil cases involving allegations of illegal government action - Should the Supreme Court of Canada reaffirm (a) the constitutional law principle that legislation reposing approval authority in a specific public official binds the cabinet, and (b) that the principle applies with full force and effect in applications for judicial review.

**PROCEDURAL HISTORY**

June 25, 1991 Court of Queen's Bench (Agrios J.)	Application for judicial review dismissed
June 17, 1992 Court of Appeal of Alberta (Kerans, Hetherington and Irving JJ.A.)	Appeal dismissed
October 13, 1992 Supreme Court of Canada	Application for leave to appeal filed

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**337965 B.C. Ltd., #90 Sail View Ventures Limited Partnership, Mary Hall, 337964 B.C. Ltd., Jeanette Florence Athey, 338168 B.C. Ltd., 338372 B.C. Ltd., 337963 B.C. Ltd., Norman S. Elliott, 338226 B.C. Ltd., 336493 B.C. Ltd., 324183 B.C. Ltd., Norman C. Franz, K. Lyndsay Fukushima, Kurt Gagel, Yvonne Marie Hilliard, Helen Houle, Shirley J. Houle, Nancy Margaret Houle, Gordon C. Hunter, Carmyn L. James, James L. Janes, Myriam Paquin, Elaine F. Kuwica, Bessie Lashin, Rolf Majjer, Susan McMillan, Henfrey Samson Belair Ltd. Trustee in Bankruptcy of the Estate of Robert G. Mercer, Carolyn Millar, Aline C. Pighin, 338370 B.C. Ltd., Staulo Management Ltd., Lorraine Marie Ritchie, 338371 B.C. Ltd., Marilyn Elizabeth Snelgrove, J. Desmond Devlin, Peter Fluckiger, Lorraine M. Helmer, John S. McKercher, William S. Swanson**

v. (23139)

**Tackama Forest Products Ltd., Tackama Plywood Corporation, Royal Bank of Canada, Alfor II Forest Products Limited Partnership (B.C.)**

**NATURE OF THE CASE**

Commercial law - Partnership - Contracts - Loan - Limited partnership - Whether the majority of the Court of Appeal erred in concluding that the doctrine requiring a person in a fiduciary position to account for profits obtained without the informed consent of its beneficiary, per *Phipps v. Boardman*, [1964] 2 All. E.R. 187 (Ch.); aff'd [1967] 2 A.C. 46 (H.L.), has no application to a commercial contract between a fiduciary and its beneficiaries - Whether the majority of the Court of Appeal erred in concluding that contractual provisions which give a fiduciary discretionary powers to manage permit the fiduciary to profit without the consent of its beneficiaries - Whether the majority of the Court of Appeal erred in concluding that an obligation in a contract to act "in good faith" means simply an obligation of objective honesty.

**PROCEDURAL HISTORY**

June 10, 1991  
British Columbia Supreme Court  
(Hood J.)

Action allowed: Respondent Tackama liable to account for profits

May 11, 1992  
Court of Appeal for British Columbia  
(Toy [dissenting], Southin and  
Gibbs J.J.A.)

Appeal allowed

September 4, 1992  
Supreme Court of Canada

Application for leave to appeal filed

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

REVISED / RÉVISÉE

**Sa Majesté La Reine**

**c. (23254)**

**Horacio Callejas (Crim.)(Qué.)**

**NATURE DE LA CAUSE**

Droit criminel - Infraction - Preuve - La Cour d'appel du Québec a-t-elle erré en droit en écartant le jugement de culpabilité rendu en première instance, au motif que le juge a tiré les mauvaises conclusions des faits établis? - La Cour d'appel du Québec a-t-elle erré en droit en substituant son appréciation de la preuve à celle du juge de première instance, sans déterminer si le jugement aurait pu raisonnablement être rendu en regard de la preuve et du droit applicable? - La Cour d'appel du Québec a-t-elle erré en droit en décidant virtuellement que le crime de tentative de meurtre requérait une preuve directe de l'intention de tuer?

**HISTORIQUE PROCÉDURAL**

Le 10 avril 1989  
Cour du Québec, chambre  
criminelle et pénale  
(Vincent J.C.Q.)

Culpabilité: Tentative de meurtre; possession d'arme  
en vue de commettre une infraction;

Le 11 août 1992  
Cour d'appel du Québec  
(Tyndale, Mailhot et  
Rousseau-Houle, J.J.A.)

Appel accueilli;  
Culpabilité: voies de fait graves

Le 30 octobre 1992  
Cour suprême du Canada

Demande d'autorisation d'appel déposée

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**Michel Hardouin**

**c. (23261)**

**Commission d'appel en matière de lésions professionnelles et Réal Brassard**

**et**

**Canadair Ltd. (Qué.)**

**NATURE DE LA CAUSE**

Droit du travail - Compétence - Appel - Contrôle judiciaire - Preuve - Accidents du travail et maladies professionnelles - Lésions professionnelles - Présomption - Condition personnelle préexistante - Événement imprévu et soudain - Cas d'application - La limite du pouvoir d'intervention des tribunaux judiciaires dans les décisions de la Commission d'appel en matière de lésions professionnelles et de ses commissaires - La notion d'erreur déraisonnable, particulièrement dans la détermination de ce que sont un accident du travail et une lésion professionnelle, par application des définitions données à l'article 2 de la *Loi sur les accidents du travail et les maladies professionnelles*, L.R.Q., ch. A-3.001 - La portée de la présomption édictée à l'article 28 de la *Loi*, cette disposition étant de droit nouveau.

**HISTORIQUE PROCÉDURAL**

Le 2 mai 1986 Commission de la santé et de la sécurité du travail	Réclamation du demandeur accordée
Le 17 septembre 1986 Bureau de révision paritaire	Décision de la C.S.S.T. cassée
Le 26 juin 1987 Commission d'appel en matière de lésions professionnelles	Appel du demandeur rejeté
Le 1 octobre 1987 Cour supérieure du Québec (Piché j.c.s.)	Requête en évocation rejetée
Le 2 juillet 1992 Cour d'appel du Québec (Bisson, j.c.Q., et Dubé, Gendreau, Mailhot, Fish, jj.c.a.)	Appel rejeté
Le 29 octobre 1992 Cour suprême du Canada	Demande d'autorisation d'appel déposée

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**Hydro-Québec**

c. (23263)

**Jean Desrochers**

et

**Commission d'appel en matière de lésions professionnelles et Jean-Marc Dubois et Commission de la santé et de la sécurité du travail (Qué.)**

**NATURE DE LA CAUSE**

Droit du travail - Compétence - Appel - Contrôle judiciaire - Preuve - Accidents du travail et maladies professionnelles - Lésions professionnelles - Présomption - Condition personnelle préexistante - Événement imprévu et soudain - Cas d'application - La limite du pouvoir d'intervention des tribunaux judiciaires dans les décisions de la Commission d'appel en matière de lésions professionnelles et de ses commissaires - La notion d'erreur déraisonnable, particulièrement dans la détermination de ce que sont un accident du travail et une lésion professionnelle, par application des définitions données à l'article 2 de la *Loi sur les accidents du travail et les maladies professionnelles*, L.R.Q., ch. A-3.001 - La portée de la présomption édictée à l'article 28 de la *Loi*, cette disposition étant de droit nouveau.

**HISTORIQUE PROCÉDURAL**

Le 29 janvier 1987 Commission de la santé et de la sécurité du travail	Réclamation de l'intimé accordée
Le 14 avril 1987 Bureau de révision paritaire	Décision de la C.S.S.T. confirmée
Le 11 novembre 1988 Commission d'appel en matière de lésions professionnelles	Appel de la demanderesse rejeté
Le 31 mai 1989 Cour supérieure du Québec (Meyer j.c.s.)	Requête en évocation accueillie
Le 2 juillet 1992 Cour d'appel du Québec (Bisson, j.c.Q., et Dubé, Gendreau, Mailhot [dissidente], Fish, j.j.c.a.)	Appel de l'intimé accueilli
Le 30 octobre 1992 Cour suprême du Canada	Demande d'autorisation d'appel déposée

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**Société de transport de la communauté urbaine de Montréal**

c. (23265)

Jean Chaput

et

**Commission d'appel en matière de lésions professionnelles et Jacques-Guy  
Béliveau et Commission de la Santé et de la Sécurité du Travail (Qué.)**

**NATURE DE LA CAUSE**

Droit du travail - Compétence - Appel - Contrôle judiciaire - Preuve - Accidents du travail et maladies professionnelles - Lésions professionnelles - Présomption - Condition personnelle préexistante - Événement imprévu et soudain - Cas d'application - La limite du pouvoir d'intervention des tribunaux judiciaires dans les décisions de la Commission d'appel en matière de lésions professionnelles et de ses commissaires - La notion d'erreur déraisonnable, particulièrement dans la détermination de ce que sont un accident du travail et une lésion professionnelle, par application des définitions données à l'article 2 de la *Loi sur les accidents du travail et les maladies professionnelles*, L.R.Q., ch. A-3.001 - La portée de la présomption édictée à l'article 28 de la *Loi*, cette disposition étant de droit nouveau.

**HISTORIQUE PROCÉDURAL**

Le 5 mars 1987 Commission de la santé et de la sécurité du travail	Réclamation de l'intimée refusée
Le 29 mai 1987 Bureau de révision paritaire	Décision de la C.S.S.T. confirmée
Le 14 juin 1989 Commission d'appel en matière de lésions professionnelles	Appel accueilli
Le 7 février 1990 Cour supérieure du Québec (Dionne j.c.s.)	Requête en évocation accueillie
Le 2 juillet 1992 Cour d'appel du Québec (Bisson, j.c.Q., et Dubé, Gendreau, Mailhot [dissidente], Fish, j.j.c.a.)	Appel accueilli
Le 30 octobre 1992 Cour suprême du Canada	Demande d'autorisation d'appel déposée

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**Diane Robichaud**

c. (23269)

**Société canadienne des postes**

et

**Commission d'appel en matière de lésions professionnelles et Réal Brassard  
et Commission de la santé et de la sécurité du travail (Qué.)**

**NATURE DE LA CAUSE**

Droit du travail - Compétence - Appel - Contrôle judiciaire - Preuve - Accidents du travail et maladies professionnelles - Lésions professionnelles - Présomption - Condition personnelle préexistante - Événement imprévu et soudain - Cas d'application - La limite du pouvoir d'intervention des tribunaux judiciaires dans les décisions de la Commission d'appel en matière de lésions professionnelles et de ses commissaires - La notion d'erreur déraisonnable, particulièrement dans la détermination de ce que sont un accident du travail et une lésion professionnelle, par application des définitions données à l'article 2 de la *Loi sur les accidents du travail et les maladies professionnelles*, L.R.Q., ch. A-3.001 - La portée de la présomption édictée à l'article 28 de la *Loi*, cette disposition étant de droit nouveau.

**HISTORIQUE PROCÉDURAL**

Le 20 août 1986 Commission de la santé et de la sécurité du travail	Réclamation de la demanderesse accordée
Le 17 décembre 1986 Bureau de révision paritaire	Décision de la C.S.S.T. cassée
Le 11 janvier 1988 Commission d'appel en matière de lésions professionnelles	Appel accueilli
Le 6 août 1990 Cour supérieure du Québec (Mass j.c.s.)	Requête en évocation accueillie
Le 2 juillet 1992 Cour d'appel du Québec (Bisson, j.c.Q., et Dubé, Gendreau, Mailhot, Fish, jj.c.a.)	Appel rejeté
Le 30 octobre 1992 Cour suprême du Canada	Demande d'autorisation d'appel déposée

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**Marcel Lavigne**

**c. (23270)**

**Centre Hospitalier des Laurentides**

et

**Commission d'appel en matières de lésions professionnelles et  
Jacques-Guy Béliveau (Qué.)**

**NATURE DE LA CAUSE**

Droit du travail - Compétence - Appel - Contrôle judiciaire - Preuve - Accidents du travail et maladies professionnelles - Lésions professionnelles - Présomption - Condition personnelle préexistante - Événement imprévu et soudain - Cas d'application - La limite du pouvoir d'intervention des tribunaux judiciaires dans les décisions de la Commission d'appel en matière de lésions professionnelles et de ses commissaires - La notion d'erreur déraisonnable, particulièrement dans la détermination de ce que sont un accident du travail et une lésion professionnelle, par application des définitions données à l'article 2 de la *Loi sur les accidents du travail et les maladies professionnelles*, L.R.Q., ch. A-3.001 - La portée de la présomption édictée à l'article 28 de la *Loi*, cette disposition étant de droit nouveau.

**HISTORIQUE PROCÉDURAL**

Le 31 août 1988 Commission de la santé et de la sécurité du travail	Réclamation du demandeur refusée
Le 18 avril 1990 Commission d'appel en matière de lésions professionnelles	Demande révision rejetée
Le 5 octobre 1990 Cour supérieure du Québec (Hannan j.c.s.)	Requête en évocation rejetée
Le 2 juillet 1992 Cour d'appel du Québec (Bisson, j.c.Q., et Dubé, Gendreau, Mailhot, Fish, jj.c.a.)	Appel accueilli
Le 30 octobre 1992 Cour suprême du Canada	Demande d'autorisation d'appel déposée

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**Jean-Louis Lamontagne**

**c. (23272)**

**Domtar Inc.**

et

**Commission d'appel en matière de lésions professionnelles et  
Georges Gendron (Qué.)**

**NATURE DE LA CAUSE**

Droit du travail - Compétence - Appel - Contrôle judiciaire - Preuve - Accidents du travail et maladies professionnelles - Lésions professionnelles - Présomption - Condition personnelle préexistante - Événement imprévu et soudain - Cas d'application - La limite du pouvoir d'intervention des tribunaux judiciaires dans les décisions de la Commission d'appel en matière de lésions professionnelles et de ses commissaires - La notion d'erreur déraisonnable, particulièrement dans la détermination de ce que sont un accident du travail et une lésion professionnelle, par application des définitions données à l'article 2 de la *Loi sur les accidents du travail et les maladies professionnelles*, L.R.Q., ch. A-3.001 - La portée de la présomption édictée à l'article 28 de la *Loi*, cette disposition étant de droit nouveau.

**HISTORIQUE PROCÉDURAL**

Le 31 juillet 1986 Commission de la santé et de la sécurité du travail	Réclamation de l'intimée refusée
Le 4 décembre 1986 Bureau de révision paritaire	Décision de la C.S.S.T. confirmée
Le 19 mai 1988 Commission d'appel en matière de lésions professionnelles	Appel accueilli
Le 27 septembre 1990 Cour supérieure du Québec (Lesage j.c.s.)	Requête en évocation accueillie
Le 2 juillet 1992 Cour d'appel du Québec (Bisson, j.c.Q., et Dubé, Gendreau, Mailhot, Fish, jj.c.a.)	Appel rejeté
Le 30 octobre 1992 Cour suprême du Canada	Demande d'autorisation d'appel déposée

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**JUDGMENTS ON APPLICATIONS  
FOR LEAVE**

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

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DECEMBER 10, 1992 / LE 10 DÉCEMBRE 1992

**23163 EDWARD RAYMOND REID -v.- DEPARTMENT OF NATIONAL DEFENCE (PUBLIC SERVICE STAFF RELATIONS BOARD) (Man.)**

CORAM: La Forest, Sopinka, and Cory JJ.

The application for leave to appeal is dismissed with costs.

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

**NATURE OF THE CASE**

Labour law - Arbitration - Administrative law - Judicial review - Applicant discharged from employment with Respondent - Applicant starting his own company and working as a tax consultant while challenging his discharge - Discharge overturned and employer ordered to reinstate Applicant - Employer advising Applicant to cease his activities and to report to work within ten weeks - Applicant asking for a longer delay to complete his obligations to his clients - Applicant discharged as a result of his failure to obey a direct order to return to work and to comply with the Conflict of Interest and Post-Employment Code for the Public Service - Grievance dismissed - Did the Federal Court of Appeal err in law and/or in fact in dismissing the Applicant's application to review and set aside the decision of the Public Service Staff Relations Board?

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**23165 NAIKA INTERNATIONAL -v.- BANK OF MONTREAL (B.C.)**

CORAM: La Forest, Sopinka, and Cory JJ.

The application for leave to appeal is dismissed with costs.

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

**NATURE OF THE CASE**

Procedural law - Actions - Pre-trial procedure - Production of documents - Conflict of laws - Doctrine of comity - Commercial law - Applicant, a foreign company, refusing to produce certain documents on the basis that to do so was prohibited by foreign law - Order compelling production - Did the Court of Appeal err in not staying the proceedings pending decision of the Supreme Court of Canada in *Hunt v. T & N plc*, [1990] B.C.L.R. (2d) 390 (B.C.C.A.)? - Did Court of Appeal err in not following *Hunt*?

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**22781 TIMOTHY JAMES WHITWELL -v.- HER MAJESTY THE QUEEN** (Alta.)

CORAM:La Forest, Sopinka, and Cory JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Criminal law - Evidence - Whether the Court of Appeal of Alberta erred in that the verdict of guilty of first degree murder should have been set aside on the ground that it is unreasonable or cannot be supported by the evidence with the provisions of Section 686(1)(a)(i) of the Criminal Code.

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**23166 JAMES ALBERT SWEENEY -v.- HER MAJESTY THE QUEEN** (Crim.)(B.C.)

CORAM:La Forest, Sopinka, and Cory JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Criminal law - Appeal - Following guilty plea and subsequent conviction, Applicant filing notice of appeal - Applicant abandoning conviction appeal, and then seeking to withdraw abandonment - Whether the Court of Appeal has the power to amend a judgment which has been drawn up and entered - Effect of guilty plea.

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**23092 L'UNION DES MUNICIPALITÉS RÉGIONALES DE COMTÉ et DES MUNICIPALITÉS LOCALES DU QUÉBEC INC. c. LE SYNDICAT DES TRAVAILLEUSES et DES TRAVAILLEURS DE HILTON QUÉBEC (CSN), CLAUDE-GILLES GAGNÉ, ROBERT LAPOINTE et JEAN-PAUL ASSELIN, et HILTON CANADA INC.** (Qué.)

CORAM:Les juges L'Heureux-Dubé, Gonthier et Cory

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

The application for leave to appeal is dismissed with costs.

**NATURE DE LA CAUSE**

Droit du travail - Code civil - Procédure - Législation - Convention collective - Employeur et employé - Responsabilité civile contractuelle et délictuelle - Interprétation - Validité de l'avis de négociation en vertu de l'article 52 du *Code du travail*, L.R.Q., ch. C-27, et légalité de la grève - Contrat conclu entre la demanderesse et Hilton Canada pour la tenue d'un congrès - Grève du Syndicat empêchant la tenue du congrès - Action de nature contractuelle contre Hilton Canada et de nature délictuelle contre le Syndicat - En l'absence d'un autre délai prévu à la convention collective, l'avis de rencontre exigé par l'article 52 du *Code du travail*, donné avant la période de 90 jours précédant l'expiration d'une convention collective, est-il valide?

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**23093 HILTON CANADA INC. c. L'UNION DES MUNICIPALITÉS RÉGIONALES DE COMTÉ et DES MUNICIPALITÉS LOCALES DU QUÉBEC INC., LE SYNDICAT DES TRAVAILLEUSES et DES TRAVAILLEURS DE HILTON QUÉBEC (CSN), CLAUDE-GILLES GAGNÉ, ROBERT LAPOINTE et JEAN-PAUL ASSELIN** (Qué.)

CORAM: Les juges L'Heureux-Dubé, Gonthier et Cory

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

The application for leave to appeal is dismissed with costs.

**NATURE DE LA CAUSE**

Droit du travail - Code civil - Procédure - Législation - Convention collective - Employeur et employé - Responsabilité civile contractuelle et délictuelle - Interprétation - Validité de l'avis de négociation en vertu de l'article 52 du *Code du travail*, L.R.Q., ch. C-27, et date d'acquisition du droit de grève - Contrat conclu entre la demanderesse et Hilton Canada pour la tenue d'un congrès - Débrayage du Syndicat empêchant la tenue du congrès - Action de nature contractuelle contre Hilton Canada et de nature délictuelle contre le Syndicat - La Cour d'appel a-t-elle erré en droit en concluant que l'avis de négociation expédié par le Syndicat était valide selon le *Code du travail*? - La Cour d'appel a-t-elle modifié sans droit le *Code du travail* en fixant un nouveau délai pour expédier l'avis de négociation prévu à l'article 52 du *Code du travail*, c'est-à-dire un délai raisonnable précédant celui de quatre-vingt-dix jours avant l'expiration de la convention collective? - La Cour d'appel a-t-elle erré en fait et en droit en exonérant le Syndicat et ses officiers de toute responsabilité alors que qu'ils ont agi sans justification ni excuse légitime et omis d'évaluer le risque d'une grève illégale? - En concluant que la demanderesse avait fait défaut de remplir ses obligations contractuelles envers le Syndicat, la Cour d'appel a-t-elle fixé une norme démesurée eu égard aux circonstances de l'espèce, et ce, en appliquant les articles 1071 et 1072 du *Code civil du Bas-Canada*.

**23088 HER MAJESTY THE QUEEN v. P.(M.B.)** (Crim.) (Ont.)

CORAM:L'Heureux-Dubé, Gonthier and Cory JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

**NATURE OF THE CASE**

Criminal law - Offence - Trial - Indictment - Re-opening of case - Whether the Court of Appeal for Ontario erred in law in concluding that the trial judge erred in permitting the Crown to amend the indictment and to re-open its case.

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**23095 JACQUES BILODEAU et LES DISTRIBUTIONS C.L.B. INC. c. ROLAND BOUTIN ET QUALIPRO INC.** (Qué.)

CORAM:Les juges L'Heureux-Dubé, Gonthier et Cory

La demande d'autorisation d'appel est accordée.

The application for leave to appeal is granted.

**NATURE DE LA CAUSE**

Droit des biens - Droit d'auteur - Procédure - Tribunaux - Appel - Compétence - Preuve - Test applicable pour déterminer une contrefaçon - Fardeau de preuve imposé à l'auteur de l'oeuvre - Compte tenu de la preuve, la Cour d'appel pouvait-elle conclure que la carte des intimés ne peut être considérée comme une reproduction ou au mieux, une simple adaptation de la carte des demandeurs? - La Cour d'appel a-t-elle commis une erreur en écartant les conclusions de fait du juge de première instance? - *Loi sur le droit d'auteur*, L.R.C. (1985), ch. C-42.

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**22885 RAYMOND MARVIN JOUBERT v. HER MAJESTY THE QUEEN** (Crim.) (B.C.)

CORAM:L'Heureux-Dubé, Sopinka and Gonthier JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Criminal law - Evidence - *Canadian Charter of Rights and Freedoms* - Trial - Narcotics - Was employment of Applicant's former lawyer as informer an abuse of process? - Did Court of Appeal use a prohibited line of reasoning to conclude Applicant had conspired to import cocaine - Did Court of Appeal err in considering commission evidence by overturning trial judge's findings as to sufficiency of evidence? - Did Court of Appeal err in not allowing Applicant to introduce testimony via satellite transmission?

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**23135 M. M. c. J.-Y. P.** (Qué.)

CORAM: Les juges L'Heureux-Dubé, Sopinka 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**

Droit de la famille - Divorce - Partage des biens - Contrat - Consentement - Annulation du jugement en divorce au motif de parjure des deux parties - Allégation de violence conjugale - Rôle de l'avocat dans les demandes conjointes en divorce - Validité du contrat notarié et de l'entente subséquente préparée par l'avocat - L'appréciation du quantum des dommages attribués à la demanderesse pour blessures physiques.

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**23117 PAUL ANDRÉ MARTEL c. DIANE LEMELIN** (Qué.)

CORAM: Les juges L'Heureux-Dubé, Sopinka 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**

*Code civil* - Droit de la famille - Pension alimentaire - Législation - Interprétation - Procédure - Procédure civile - Dépens - Requête en irrecevabilité - Possibilité de réclamer une provision pour les frais de l'instance dans le cas de conjoints de fait - La demande de provision pour frais est-elle limitée aux époux ou peut-elle être octroyée à tout autre créancier alimentaire? - Art. 549 et 636 du *Code civil du Québec*.

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**23030 ALTON ARSENAULT and DOROTHY ARSENAULT and DOROTHY ARSENAULT as Guardian ad Litem for an infant, JOSEPH REGINALD ARSENAULT v. CITY OF CHARLOTTETOWN (P.E.I.)**

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is dismissed, with costs.

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

**NATURE OF THE CASE**

Torts - Municipal law - Negligence - Municipal corporations - Police - Duty of care - Civil liability of municipality - Public and private law duties - Policy decision - Operational decision - Whether the Respondent municipality had a duty to enforce its bylaws regarding automobile repair garages - Whether the police had a discretionary policy decision at the operational level to enforce the bylaw - Application of *City of Kamloops v. Nielsen et al.*, [1984] 2 S.C.R. 2, to a municipality which elects to use its police department in a by-law enforcement capacity - Whether the Court of Appeal erred in ruling that the City of Charlottetown police have a discretion arising from the wording of the enabling provision and from their public duty in the enforcement of the criminal law as to whether to enforce the by-law in question - Whether the Court of Appeal erred in answering the question whether a discretion existed at the operational level by reference to the identity of the authority rather than by reference to the nature of the function to be carried out by that authority.

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**22549 HER MAJESTY THE QUEEN v. GREGORY MacMILLAN (Crim.) (Ont.)**

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

*Canadian Charter of Rights and Freedoms* - Criminal law - Unreasonable delay - Whether Court of Appeal erred in holding that Respondent's rights to trial within a reasonable time under s. 11(b) of the *Charter* had been infringed - *R. v. Askov et al.*, [1990] 2 S.C.R. 1199.

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**23044 SOCIÉTÉ CANADIENNE DES MÉTAUX REYNOLDS, LIMITÉE - c. - SOCIÉTÉ QUÉBÉCOISE D'ASSAINISSEMENT DES EAUX, PROCUREUR GÉNÉRAL DU QUÉBEC - et - VILLE DE BAIE-COMEAU** (Qué.)

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

La demande de prorogation du délai est accordée. Bien que nous soyons tous d'avis qu'un appel peut être interjeté à notre Cour en l'espèce, la demande d'autorisation d'appel est rejetée avec dépens.

The application for extension of time is granted. While we are all of the view that an appeal lies to this Court in this matter, the application for leave to appeal is dismissed with costs.

**NATURE DE LA CAUSE**

Droit constitutionnel - Droit administratif - Procédure - Législation - Expropriation - Appel - Compétence - Requête de l'intimé en vue d'être autorisée à poursuivre les procédures d'expropriation en application de l'article 44.1 de la *Loi sur l'expropriation*, L.R.Q. (1977), ch. E-24 - Décision de la Cour supérieure finale et sans appel - Demanderesse déboutée de son appel en Cour d'appel - La Cour d'appel a-t-elle eu tort de décider qu'il y avait inexistence du droit d'appel devant elle? - La Cour d'appel a-t-elle eu tort de décider que les dispositions de la *Loi sur l'expropriation* prohibant l'appel ne prohibaient que l'appel devant la Cour d'appel et non pas également l'appel à la Cour suprême du Canada? - La Cour d'appel a-t-elle eu tort de ne pas décider que lesdites dispositions de la *Loi sur l'expropriation* étaient incompatibles avec l'article 101 de la *Loi constitutionnelle de 1867* et avec l'article 40 de la *Loi sur la Cour suprême*.

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**23023 HER MAJESTY THE QUEEN v. IMRE FINTA** (Crim.) (Ont.)

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

**NATURE OF THE CASE**

Criminal law - Evidence - Offences - War crimes - Crimes against humanity - Admissibility of evidence - Exceptions to the hearsay rule - Instructions to the jury - Interpretation of s. 7(3.71) of the *Criminal Code*, R.S.C. 1985, c. C-46 - Whether the Court of Appeal erred in holding that the police statement and deposition of Imre Dallos, which were taken from the record of the 1947 investigation and the 1948 *in absentia* trial of the Respondent held in Hungary, were admissible - Whether the Court of Appeal erred in law in holding that the trial judge's instructions to the jury pertaining to the evidence relating to the eyewitness identification of the Respondent were appropriate and did not amount to a misdirection - Whether the Court of Appeal erred in law in failing to find that the trial judge erred in putting to the jury the peace officer defence embodied in s. 25 of the *Criminal Code*, the military orders defence and the issue of mistake of fact. Did the trial judge misdirect the jury in the manner in which he defined those defences.

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**23097 IMRE FINTA v. HER MAJESTY THE QUEEN** (Crim.) (Ont.)

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

**NATURE OF THE CASE**

*Canadian Charter of Rights and Freedoms* - Criminal law - Constitutional law - Evidence - Offences - War crimes - Crimes against humanity - Interpretation of s. 7(3.71) of the *Criminal Code*, R.S.C. 1985, c. C-46 - Whether the Court of Appeal erred in disregarding the constitutional validity issue, or erroneously decided it, in respect to the application of the *Charter* to the whole intent and purpose of the War Crimes legislation, but more specifically to the provision which abolishes the effect of Section 15 of the *Criminal Code of Canada* as a defence to the charges under s.7(3.71) - Whether the Court of Appeal erred in holding that s. 7(3.71) of the *Criminal Code of Canada*, and ss. 7(3.71)(a)(i)(ii)(iii), 7 (3.71)(b), 7(3.74) and 7(3.76) are constitutionally valid and do not offend against the provisions of the *Charter*, specifically ss. 7, 11(a), (b) (d) and 11(g) of the *Charter of Rights and Freedoms*.

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**23063 HER MAJESTY THE QUEEN v. CHIKMAGLUR MOHAN** (Crim.) (Ont.)

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

**NATURE OF THE CASE**

Criminal law - Offences - Physicians and surgeons - Evidence - Sexual assault - *Voir dire* - Admissibility of the expert's evidence - Respondent doctor convicted of four counts of sexual assault, contrary to s. 246 (now s.271) of the *Criminal Code*, R.S., c. C-34 - Trial judge excluding the expert evidence as character evidence not falling within the proper sphere of expert evidence - Whether the Court of Appeal erroneously expanded upon the basis for the admissibility of expert evidence going to an individual's lack of propensity to commit an offence - Whether the Court of Appeal erred by misapprehending the nature of the expert opinion evidence in this case and by substituting its view of that evidence for that of the trial judge?

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**23115 HER MAJESTY THE QUEEN v. ROBERT HOWARD BURNS** (Crim.) (B.C.)

CORAM:The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

**NATURE OF THE CASE**

Criminal law - Offences - Evidence - Credibility of complainant - Applicant convicted of indecent assault, contrary to s. 149(1) of the *Criminal Code*, and sexual assault, contrary to s. 246.1(1) of the *Criminal Code* - Whether the British Columbia Court of Appeal erred in law in reversing the trial judge's assessment of the credibility of the complainant - Whether the British Columbia Court of Appeal erred in law in holding that the trial judge was required to give reasons why he accepted the complainant's evidence about the indecent and sexual assaults.

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**23161 WILLIAM POTTS v. HER MAJESTY THE QUEEN** (Crim.) (Alta.)

CORAM:The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Indians - Constitutional law - Criminal law - Offences - Applicant, a treaty Indian, charged with possession of and trafficking in wildlife contrary to the provisions of the *Wildlife Act*, R.S.A. 1980, c. W-9.1 - Does the Applicant have the right to hunt for wildlife for commercial purposes under provision of his treaty? - Does the *Wildlife Act* apply to the Applicant? - Was the Applicant liable as a party to the offences alleged, by virtue of s. 21 of the *Criminal Code*, R.S.C. 1985, c. C-46?

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**23162 GILBERT POTTS v. HER MAJESTY THE QUEEN** (Crim.) (Alta.)

CORAM:The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Indians - Constitutional law - Criminal law - Offences - Applicant, a treaty Indian, charged with possession of and trafficking in wildlife contrary to the provisions of the *Wildlife Act*, R.S.A. 1980, c. W-9.1 - Does the Applicant have the right to hunt for wildlife for commercial purposes under provision of his treaty? - Does the *Wildlife Act* apply to the Applicant? - Was the Applicant liable as a party to the offences alleged, by virtue of s. 21 of the *Criminal Code*, R.S.C. 1985, c. C-46?

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**23046 NOEL FRANCIS McINTYRE v. HER MAJESTY THE QUEEN** (Crim.) (Sask.)

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Indians - *Canadian Charter of Rights and Freedoms* - Constitutional law - Criminal law - Land titles - Aboriginal rights - Applicant convicted of unlawful possession of wildlife, contrary to s. 31 of the *Wildlife Act*, R.S.S., c. W-13.1 - Whether the true interpretation of the "merger and consolidation" theory enunciated in *R. v. Horseman*, [1990] 1 S.C.R. 901, is that s. 12 of the *Natural Resource Transfer Agreement* is the sole and exclusive "existing" source of the entitlement of Indians *qua* Indians to hunt, trap and fish for food in Saskatchewan - Whether provincial action that has the effect of limiting the Indians' right to hunt for food as set out in s. 12 is not controlled by the fiduciary duty owed by the Crown to aboriginal peoples as set out in *R. v. Sparrow*, [1990] 1 S.C.R. 1075.

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**23160 MARCEL GEORGE HARPER v. HER MAJESTY THE QUEEN** (Crim.) (Man.)

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

**NATURE OF THE CASE**

*Canadian Charter of Rights and Freedoms* - Criminal law - Right to counsel - Evidence - Admissibility of evidence - Duty of police to inform accused of available of duty counsel - Incriminating spontaneous statement made by Applicant - Whether Court of Appeal erred in ruling that the Applicant's right to be advised of his right to counsel was not infringed pursuant to s. 10(b) of the *Charter* in that the Applicant was not advised of his right to duty counsel - Whether the statement of the Applicant should not have been admitted into evidence on the basis that there was an infringement of the Applicant's s. 10(b) rights of the *Charter* and that the admission of the evidence would bring the administration of justice into disrepute pursuant to s. 24 of the *Charter*.

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**23090 SOUTH NATION RIVER CONSERVATION AUTHORITY, KOSTUCH ENGINEERING LIMITED, ERNIE BRISSON, LAWRENCE STRADER, KEN DUNLOP, JIM WINDSOR, CECIL MacNAB, EDWARD SIMMS, LUCIEN GROULX, GASTON PATENAUDE, HAROLD KEENAN, DR. LAWRENCE GRAY, DAVID SLOAN, W.E. BURTON, ROLAND BERCIER and JOHN WHITTEKER v. AUTO CONCRETE CURB LTD. (Ont.)**

CORAM:The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

**NATURE OF THE CASE**

Torts - Negligence - Commercial law - Contract - Duty of care - Economic loss - Did the Court of Appeal erred in holding there was a duty of care owed by the Applicant Engineer to the Respondent Contractor - Was the Court of Appeal wrong in holding that the Applicant Authority was liable to the Respondent contractor in tort - Did the Court of Appeal err in failing to find that the Respondent caused its own economic loss?

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**23109 KARL THOMAS GALASKE, an infant suing by his Guardian ad Litem, ELIZABETH MOSER v. ERICH STAUFFER, FLORENCE HORVATH, COLUMCILLE DAMIEN O'DONNELL and BOURGOIN CONTRACTING LTD. - BETWEEN - KARL THOMAS GALASKE, an infant suing by his Guardian ad Litem, ELIZABETH MOSER v. ERICH STAUFFER, FLORENCE HORVATH, COLUMCILLE DAMIEN O'DONNELL, BOURGOIN CONTRACTING LTD., and MALA GALASKE as representative ad Litem of the Estate of PETER HELMUT GALASKE, Deceased - BETWEEN - MALA GALASKE and THERESA MAGARETTE GALASKE, an infant suing by her Guardian ad Litem, MALA GALASKE v. COLUMCILLE DAMIEN O'DONNELL, BOURGOIN CONTRACTING LTD., ERICH STAUFFER, and FLORENCE HORVATH (B.C.)**

CORAM:The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

**NATURE OF THE CASE**

Torts - Negligence - Motor vehicles - Contributory negligence - Liability - Principle of duty - Duty of care - Duty of care between driver and child passenger with respect to the use of a seat belt - Whether driver of a motor vehicle owes a child passenger a duty of care, namely to take steps to ensure that the child is safely buckled up in the seat belt - Whether duty is affected by the presence of the child's parent.

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**23244 LARRY LITTLEWOLF v. HER MAJESTY THE QUEEN (Crim.) (Alta.)**

CORAM:The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Indians - Constitutional law - Criminal law - Offences - Applicant, a treaty Indian, charged with possession of and trafficking in wildlife contrary to the provisions of the *Wildlife Act*, R.S.A. 1980, c. W-9.1 - Does the Applicant have the right to hunt for wildlife for commercial purposes under provision of his treaty? - Extinguishment of treaty rights - *R. v. Horseman*, [1990] 1 S.C.R. 901 and *R. v. Sparrow*, [1990] 1 S.C.R. 1075.

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**23197 HER MAJESTY THE QUEEN v. K. (M)** (Crim.) (Man.)

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

**NATURE OF THE CASE**

Criminal law - Offence - Respondent convicted of assaulting one of his sons - Court of Appeal allowing appeal and ordering a stay of proceedings - Whether the Court of Appeal erred in law in interfering with the exercise of discretion of the Crown in the prosecution of this case - Whether the Court of Appeal erred in law in interfering with a policy decision of the Attorney General and Minister of Justice of Manitoba in establishing priorities for law enforcement and prosecutions in Manitoba - Whether the Court of Appeal erred in law in staying the proceedings based upon a misapprehension of the domestic violence policy in question - Whether the Court of Appeal erred in law in holding that s. 43 of the *Criminal Code* provides a complete defence to the assault committed by the Respondent.

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**23039 MELVIN WAYNE WRIGHT, EXECUTOR OF THE ESTATE OF RITA JEANNETTE WRIGHT, DECEASED -and- BRADLEY ALLAN DAVIDSON AND KATHLEEN DAVIDSON** (B.C.)

CORAM: La Forest, Sopinka, and Gonthier JJ.

The application for leave to appeal is dismissed with costs.

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

**NATURE OF THE CASE**

Torts - Negligence - Damages - Causation - Deceased suffering depression as a result of motor vehicle accident and committing suicide - Is suicide a *novus actus interveniens* which breaks chain of causation? - Is suicide reasonable foreseeable result of accident? - Thin skull doctrine - Applicability of concept of foreseeability to *Family Compensation Act* cases?

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**23057 GUNTER SCHMIDT IN HIS PERSONAL CAPACITY AND ON BEHALF OF THE BENEFICIARIES OF THE STEARNS CATALYTIC LTD. PENSION PLANS -and- AIR PRODUCTS CANADA LTD., WILLIAM M. MERCER LIMITED, CONFEDERATION LIFE INSURANCE COMPANY AND T.J. WESTLEY** (Alta.)

CORAM: La Forest, Sopinka, and Gonthier JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

**NATURE OF THE CASE**

Labour law - Pensions - Trusts - Contracts - Entitlement to surplus in employee defined benefit pension plans, which had been terminated by sale of company - Whether the Court of Appeal erred in failing to find that the Respondents were required to distribute the surplus assets in a pension plan to the Applicants on termination of the pension plan.

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**23047 AIR PRODUCTS CANADA LTD., WILLIAM M. MERCER LIMITED, CONFEDERATION LIFE INSURANCE COMPANY AND T.J. WESTLEY -and- GUNTER SCHMIDT IN HIS PERSONAL CAPACITY AND ON BEHALF OF THE BENEFICIARIES OF THE STEARNS CATALYTIC LTD. PENSION PLANS** (Alta.)

CORAM:La Forest, Sopinka, and Gonthier JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

**NATURE OF THE CASE**

Labour law - Pensions - Trusts - Contracts - Entitlement to surplus in employee defined benefit pension plans, which had been terminated by sale of company - Whether trust law principles override the application of the principles of contractual interpretation in determining entitlement to surplus in employee defined benefit pension plans is a matter of public importance which warrants a decision by this Court - Whether Court of Appeal's decision that entitlement to surplus on pension plan termination conclusively determines an employer's entitlement, under the terms of an ongoing defined benefits plan, to take into account actuarial surplus in determining its annual funding obligation, is inconsistent with decisions of other Canadian appellate courts.

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**23096 WING LUN LI -and- HER MAJESTY THE QUEEN** (Ont.)

CORAM:La Forest, Sopinka, and Gonthier JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Criminal law - Defence - Evidence - Charge to the jury - Drunkenness - Provocation - Doctrine of cumulative effect - Whether the trial judge erred in failing to instruct the jury on the cumulative effect of intoxication, self-defence and provocation - Whether the trial judge erred in failing to instruct the jury with respect to the defence of intoxication - Whether the trial judge erred in instructing the jury that "whoever stabbed Mr. Wu three times in the back and once on the head must have intended to cause his death or to cause bodily injury that would likely result in death and was reckless whether death would ensue or not" in light of the cumulative effect doctrine - Whether the trial judge erred in law in failing to instruct the jury as to the complete definition of the requisite *mens rea* for murder - Whether the trial judge erred in failing to instruct the jury with respect to the defence of provocation as it related to alcohol consumption and as directed by the Supreme Court of Canada in *Olbey v. The Queen*.

**23157 SCOTT JONES -and- HER MAJESTY THE QUEEN** (B.C.)

CORAM:La Forest, Sopinka, and Cory JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

**NATURE OF THE CASE**

*Canadian Charter of Rights and Freedoms* - Criminal law - Sentencing - During course of an assessment of mental state, prior to preliminary inquiry, investigation undertaken about his potential to re-offend - Applicant aware of his right to counsel and that information could be used against him in Court - Following plea of guilty, inquiry undertaken and Applicant found to be dangerous offender - Was his right to silence infringed when he was not told by mental health professionals that the examinations might lead to dangerous offender proceedings - Were Applicant's s. 10(b) rights infringed when he was not advised of his right to counsel with respect to these examinations insofar as they related to his ongoing custody.

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**23154 HER MAJESTY THE QUEEN -and- DAVID ALLAN GUTTMAN** (Man.)

CORAM:La Forest, Sopinka, and Cory JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Criminal law - Respondent, practising lawyer, telling his client who had been charged with offences under *The Highway Traffic Act* to remain outside courtroom - Crown witnesses not able to identify motorcycle driver as being in the courtroom - Did the Court of Appeal erred in law in holding that the Respondent's conduct in instructing his client to remain outside the courtroom while the trial proceeded did not, on the facts of this case, constitute obstruction of justice?

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## MOTIONS

## REQUÊTES

1.12.1992

Before / Devant: IACOBUCCI J.

**Motion to extend the time in which to serve and file a factum and motion to file a factum in its present form**

Her Majesty The Queen

v. (22649)

B.A.W. (Ont.)

**GRANTED / ACCORDÉES** Time extended to Dec. 2, 1992.

**Requête en prorogation du délai de signification et de production du mémoire et requête en production d'un mémoire dans sa forme actuelle**

With the consent of the parties.

1.12.1992

Before / Devant: IACOBUCCI J.

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

David Pearlman et al.

v. (23008)

The City of Winnipeg (Man.)

**GRANTED / ACCORDÉE** Time extended to Nov. 30, 1992.

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

With the consent of the parties.

1.12.1992

Before / Devant: THE REGISTRAR

**Motion to extend the time in which to serve and file a case on appeal**

Kenneth Bruce Vancoughnett

v. (22944)

Her Majesty The Queen (Ont.)

**GRANTED / ACCORDÉE** Time extended to Nov. 30, 1992

**Requête en prorogation du délai de signification et de production du dossier d'appel**

With the consent of the parties.



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2.12.1992

Before / Devant: THE DEPUTY REGISTRAR

**Motion to withdraw as solicitor**

Dunphy Leasing Enterprises Ltd. et al.

v. (22819)

The Bank of Nova Scotia (Alta.)

**Requête pour cesser d'occuper**

With the consent of the parties.

**GRANTED / ACCORDÉE**

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2.12.1992

Before / Devant: THE DEPUTY REGISTRAR

**Motion permitting that the case on appeal be printed in 8 1/2" x 14" format with no more than 70 lines on each page**

Graham Haig et al.

v. (23223)

John Doe et al. (F.C.A.)

**Requête en autorisation d'imprimer le dossier d'appel avec un format de 8 1/2" x 14" avec 70 lignes par page tout au plus**

With the consent of the parties.

**GRANTED / ACCORDÉE**

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2.12.1992

Before / Devant: LE JUGE IACOBUCCI

**Demande pour obtenir des directives**

Daniel Plouffe, Christine Shea et al. and Irene Helen Young

c. (22296 / 22227)

James Kam Chen Young et al. (Qué.)

**Motion for directions**

With the consent of the parties.

**GRANTED / ACCORDÉE**

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2.12.1992

Before / Devant: IACOBUCCI J.

**Motion to extend the time in which to serve and file a factum *nunc pro tunc***

Sie-Mac Pipeline Contractors Ltd.

v. (22775)

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

**Requête en prorogation du délai de signification et de production d'un mémoire *nunc pro tunc***

With the consent of the parties.

**GRANTED / ACCORDÉE** Time extended to November 24, 1992

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2.12.1992

Before / Devant: IACOBUCCI J.

**Motion to extend the time in which to file a notice of appeal**

J.G.B.

v. (23320)

Her Majesty The Queen (Ont.)

**Requête en prorogation du délai de production de l'avis d'appel**

With the consent of the parties.

**GRANTED / ACCORDÉE** Time extended to Nov. 27, 1992

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2.12.1992

Before / Devant: IACOBUCCI J.

**Motion to extend the time in which to serve and file a factum**

Her Majesty The Queen

v. (22578)

Henry Morgentaler (N.S.)

**Requête en prorogation du délai de signification et de production d'un mémoire**

With the consent of the parties.

**GRANTED / ACCORDÉE** Time extended to Nov. 30, 1992

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**NOTICES OF APPEAL FILED SINCE  
LAST ISSUE**

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

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27.11.1992

**J.G.B.**

v. (23320)

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

**AS OF RIGHT**

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**NOTICES OF INTERVENTION  
FILED SINCE LAST ISSUE**

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

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BY/PAR: Procureur général du Québec

IN/DANS: Stephen William Osolin

v. (22826)

Sa Majesté La Reine (C.-B.)

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BY/PAR:Attorney General of Ontario

IN/DANS:Her Majesty the Queen

v. (22660)

D.O.L. (Crim.)(MAN.)

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BY/PAR:Charter Committee on Poverty Issues

IN/DANS:Elizabeth C. Symes

v. (22659)

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

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**APPEALS HEARD SINCE LAST ISSUE  
AND DISPOSITION**

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

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4.12.1992

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

**Morris Greenbaum**

**v. (22506)**

**Her Majesty The Queen, Ex Rel, Williams  
Andrews, Inspector, City of Toronto (Crim.)(Ont.)**

Frank Addario and Shaun Nakatsuru, for the appellant.

Beverley A.B. Simson, for the respondent City of Toronto.

Robert Avinoam, for the intervener the Municipality of Met. Toronto.

**RESERVED / EN DÉLIBÉRÉ**

**Nature of the case:**

*Canadian Charter of Rights and Freedoms -  
Municipal law - Administrative law - Criminal law -  
Statutes - Statutory instruments - Interpretation -  
Freedom of expression - Municipal by-laws  
regulating street vending.*

**Nature de la cause:**

*Charte canadienne des droits et libertés - Droit  
municipal - Droit administratif - Droit criminel -  
Lois - Textes réglementaires - Interprétation -  
Liberté d'expression - Règlements municipaux sur la  
vente dans la rue.*

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4.12.1992

CORAM:La Forest, L'Heureux-Dubé, Sopinka, McLachlin and Iacobucci JJ.

**Her Majesty The Queen**

**v. (22649)**

**B.A.W. (Crim.)(Ont.)**

Susan Chapman, for the appellant.

Nicholas A. Xynnis, for the respondent.

**LA FOREST J.** (orally for the Court)-- The Court is ready to hand down judgment. The judgment will be pronounced by Madam Justice McLachlin.

**LE JUGE LA FOREST** (oralement au nom de la Cour) -- La Cour est prête à rendre jugement, lequel sera prononcé par le juge McLachlin.

**McLACHLIN J.** -- We are all of the view that the appeal should be allowed. It was for the trial judge to determine whether the evidence, which was tendered solely on the basis of credibility, demonstrated a degree of relevance which outweighed its prejudicial value. After considering the motion on record and the submissions of counsel, he concluded that it did not. In doing so, he committed no error of law.

In the absence of an indication that the complainant's evidence on collateral matters might be false, the claim for its relevance was tenuous. On the other hand, its prejudice and its potential to mislead the jurors was significant. The words of this Court in *R. v. Meddoui*, [1991] 3 S.C.R. 320, at pp. 320-21 are relevant. There Sopinka J. stated:

With respect to the ground relating to cross-examination, the proposed line of questioning related to a collateral matter. Furthermore, its relevance was extremely tenuous and while wide latitude is permitted in cross-examination in a criminal case, the trial judge properly exercised his discretion in excluding the cross-examination.

The appeal is allowed and the convictions are restored. The matters are remitted to the Court of Appeal for disposition of the sentence appeal.

**LE JUGE MCLACHLIN** -- Nous sommes tous d'avis d'accueillir le pourvoi. Il incombait au juge du procès de déterminer si la preuve, qui ne portait que sur la crédibilité, était pertinente au point de l'emporter sur sa valeur préjudiciable. Après avoir étudié la requête au dossier et la plaidoirie de l'avocat, il a conclu qu'elle ne l'était pas. Il n'a pas commis d'erreur de droit en ce faisant.

Faute d'indication que la preuve du demandeur sur des questions incidentes pouvait être fautive, le fondement de la demande relative à sa pertinence était faible. Par ailleurs, le préjudice qu'elle représentait et la possibilité qu'elle induise les jurés en erreur étaient importants. Ce qu'a dit le juge Sopinka de notre Cour dans *R. c. Meddoui*, [1991] 3 R.C.S. 320, aux pp. 320 et 321, est pertinent:

En ce qui concerne le moyen relatif au contre-interrogatoire, le genre de questions proposées se rapportaient à un fait incident. En outre, elles étaient extrêmement peu pertinentes et, bien qu'une grande latitude soit permise lors du contre-interrogatoire en matière criminelle, le juge du procès a bien exercé son pouvoir discrétionnaire en excluant le contre-interrogatoire.

Le pourvoi est accueilli et les déclarations de culpabilité sont rétablies. Les questions sont renvoyées à la Cour d'appel afin qu'elle tranche l'appel contre la peine.

**WEEKLY AGENDA**

**ORDRE DU JOUR DE LA  
SEMAINE**

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**AGENDA for the week beginning December 14, 1992.**

**ORDRE DU JOUR pour la semaine commençant le 14 décembre 1992.**

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<u>Date of Hearing/</u>		<u>Case Number and Name/</u>
<u>Date d'audition</u>	<u>NO.</u>	<u>Numéro et nom de la cause</u>

The Court is not sitting this week

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La Cour ne siège pas cette semaine

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**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.

**CUMULATIVE INDEX -  
REQUÊTES  
APPLICATIONS FOR LEAVE TO  
APPEAL**

**INDEX CUMULATIF -  
EN AUTORISATION DE POURVOI**

This index includes applications for leave to appeal standing for judgment at the beginning of 1992 and all the applications for leave to appeal filed or heard in 1992 up to now.

Cet index comprend les requêtes en autorisation de pourvoi en délibéré au début de 1992 et toutes celles produites ou entendues en 1992 jusqu'à maintenant.

*01 Refused/Refusée	*A Applications for leave to appeal filed/Requêtes en autorisation de pourvoi produites
*02 Refused with costs/Refusée avec dépens	*B Submitted to the Court/Soumises à la Cour
*03 Granted/Accordée	*C Oral Hearing/Audience
*04 Granted with costs/Accordée avec dépens	*D Reserved/En délibéré
*05 Discontinuance filed/Désistement produit	

Disposition/ CASE/AFFAIRE Résultat	Status/ Statut
123021 <i>Canada Inc. c. Amos Development Corporation Inc.</i> (Qué.), 22959, *02 20.8.92	1751(92) 1947(92)
2419-6388 <i>Québec Inc. c. Municipalité de Saint-Michel Archange</i> (Qué.), 23009, *02 8.10.92	1852(92) 2271(92)
337965 <i>B.C. Ltd. v. Tackama Forest Products Ltd.</i> (B.C.), 23139, *B	2709(92)
559704 <i>Ontario Ltd. v. Coopers &amp; Lybrand</i> (Ont.), 23041, *02 5.11.92	1916(92) 2454(92)
99935 <i>Canada Ltée c. 2411-3706 Québec Inc.</i> (Qué.), 22759, *02 2.4.92	451(92) 889(92)
<i>ABC Color &amp; Sound Ltd. v. Royal Bank of Canada</i> (Alta.), 22682, *02 12.3.92	31(92) 673(92)
<i>ABC Color &amp; Sound Ltd. v. Royal Bank of Canada</i> (Alta.), 22682, application for re-hearing is dismissed/la demande de nouvelle audition est rejetée 17.9.92	2080(92) 2080(92)
<i>A. C. c. La Reine</i> (Crim.)(Qué.), 22981, *01 1.10.92	1772(92) 2191(92)
<i>A. G. W. v. The Queen</i> (Crim.)(P.E.I.), 22856, *03 4.6.92	657(92) 1451(92)
<i>A. K. v. The Queen</i> (Crim.)(B.C.), 22786, *01 19.3.92	293(92) 731(92)
<i>Aalders c. La Reine</i> (Crim.)(Qué.), 22617, *01 6.2.92 19(92)	343(92)
<i>Acklands Ltd. v. 74108 Manitoba Ltd.</i> (Man.), 23277, *A	2621(92)
<i>Acme Building and Construction Ltd. v. Corporation of the Town of Newcastle</i> (Ont.), 23228, *A	2345(92)
<i>Afridi v. Royal Bank of Canada</i> (Sask.), 23108, *B	2359(92)
<i>Ahvazi c. Université Concordia</i> (Qué.), 23136, *B	2522(92)
<i>Air Products Canada Ltd. v. Schmidt</i> (Alta.), 23047, *03 10.12.92	1927(92) 2731(92)
<i>Air Saguenay (1980) Inc. c. British Aviation Insurance Co.</i> (Qué.), 22679, *02 20.2.92	41(92) 461(92)
<i>Airphoto Analysis Associates Consultants Ltd. v.</i>	



<i>McBride (Ont.)</i> , 22697, *02 27.2.92	61(92)	538(92)
<i>Alberta Union of Provincial Employees v. University Hospital Board (Alta.)</i> , 22656, *02 20.2.92	3004(91)	456(92)
<i>Alegria v. The Queen (Crim.)(Nfld.)</i> , 23012, *01 3.9.92	1736(92)	2070(92)
<i>Alex Couture Inc. c. Le procureur général du Canada (Qué.)</i> , 22706, *02 2.7.92	312(92)	1786(92)
<i>Alfaro c. Centre de prévention de Montréal (The Warden) (Crim.)(Qué.)</i> , 23137, *A	2037(92)	
<i>Allam c. Nessia Investments Ltd. (Qué.)</i> , 23168, *A	2048(92)	
<i>Allard Contractors Ltd. v. Corporation of the District of Coquitlam (B.C.)</i> , 22829, *03 4.6.92	928(92)	1440(92)
<i>Alta Surety Co. v. Corporation of the Town of Vaughan (Ont.)</i> , 23155, *B	2516(92)	
<i>Amanda G. v. Catholic Children's Aid Society of Metropolitan Toronto (Ont.)</i> , 22833, *01 23.4.92	525(92)	961(92)
<i>Anastasiadis v. Melvel Lorne Johnson Genstar Construction Ltd. (Man.)</i> , 22881, *01 9.7.92	1221(92)	1789(92)
<i>Anderdon Estates Ltd. v. Corporation of the City of Windsor (Ont.)</i> , 23172, *B	2542(92)	
<i>Angus v. Angus (Alta.)</i> , 21306, *A	13(89)	
<i>Antosko v. The Queen (F.C.A.)</i> , 23282, *A	2513(92)	
<i>Arsenault v. City of Charlottetown (P.E.I.)</i> , 23030, *02 10.12.92	1855(92)	2723(92)
<i>Artell Developments Ltd. v. 677950 Ontario Ltd. (Ont.)</i> , 23116, *03 15.10.92	2179(92)	2307(92)
<i>Ash v. Corporation of Lloyd's (Ont.)</i> , 23112, *02 8.10.92	2051(92)	2270(92)
<i>Ashmead v. The Queen in right of the province of British Columbia (B.C.)</i> , 23184, *B	2654(92)	
<i>Assaly c. Canada Deposit Insurance Corporation (Alta.)</i> , 22799, *02 30.4.92	664(92)	1077(92)
<i>Assessor of Area #16 -- Chilliwack v. Carolin Mines Ltd. (Anglo Swiss Mining Corporation) (B.C.)</i> , 23245, *A	2346(92)	
<i>Attorney General of Canada v. Attorney General of British Columbia (B.C.)</i> , 22758, *03 4.6.92	529(92)	1436(92)
<i>Attorney General of Canada v. Sauvé (Ont.)</i> , 22961, *03 1.10.92	1742(92)	2195(92)
<i>Attorney General of Nova Scotia v. Stora Forest Industries Ltd. (N.S.)</i> , 22707, *02 5.3.92	73(92)	618(92)
<i>Auerbach c. Goldstein (Qué.)</i> , 22629, *A	2326(91)	
<i>Auger v. Workers Compensation Board (Alta.)</i> , 22557, *01 6.2.92	2347(91)	350(92)
<i>Auto Concrete Curb Ltd. v. South Nation River Conservation Authority (Ont.)</i> , 23090, *A	1732(92)	
<i>Badicel c. Services financiers Paccar Ltée (Qué.)</i> , 22653, *02 6.2.92	3012(91)	331(92)
<i>Bail c. Université de Montréal (Qué.)</i> , 23256, *A	2510(92)	
<i>Banash v. The Queen (Crim.)(Man.)</i> , 22757, *01 6.2.92 48(92)	317(92)	
<i>Banco Nacional de Cuba v. Bank of Nova Scotia (Ont.)</i> , 22568, *02 16.1.92	2341(91)	90(92)

<i>Banque nationale du Canada c. Tolaram Fibers Inc.</i> (Qué.), 23227, *A	2326(92)	
<i>Barkerv. The Queen</i> (Crim.)(Sask.), 23106, *01 19.11.92	2062(92)	2548(92)
<i>Bassaga c. Université du Québec à Montréal</i> (Qué.), 22741, *02 11.6.92	931(92)	1498(92)
<i>Bâtiments Fafard Inc. c. La Reine</i> (Qué.), 22750, *B	307(92)	
<i>Bélair c. Procureur générale du Canada</i> (Crim.)(Qué.), 22841, *01 24.9.92	611(92)	2087(92)
<i>Beliveau c. Brousseau</i> (Qué.), 22721, *02 20.2.92	46(92)	464(92)
<i>Beliveau c. Brousseau</i> (Qué.), 22722, *02 20.2.92	47(92)	464(92)
<i>Beliveau c. Comité de discipline du Barreau du Québec</i> (Qué.), 23118, *B	2304(92)	
<i>Beliveau c. Comité de discipline du Barreau du Québec</i> (Qué.), 23119, *B	2305(92)	
<i>Beliveau c. Peries-Brousseau</i> (Qué.), 22718, *02 20.2.92	43(92)	463(92)
<i>Beliveau c. Peries-Brousseau</i> (Qué.), 22719, *02 20.2.92	44(92)	463(92)
<i>Beliveau c. Peries-Brousseau</i> (Qué.), 22720, *02 20.2.92	45(92)	463992)
<i>Bell Asbestos Mines Ltd. v. Bushell</i> (B.C.), 23091 *02 24.9.92	1865(92)	2094(92)
<i>Bennett v. British Columbia Securities Commission</i> (B.C.), 23105, *02 27.8.92	1917(92)	1962(92)
<i>Berg v. University of British Columbia School of Family and Nutritional Sciences</i> (B.C.), 22638, *03 6.2.92	2780(91)	347(92)
<i>Berladyn v. Government of the United States of America</i> (Crim.)(B.C.), 23031, *B	2180(92)	
<i>Bernier (Gilles) c. La Reine</i> (Crim.)(Ont.), 23201, *01 17.11.92	2515(92)	2547(92)
<i>Bernier (Jean) c. Daoust</i> (Qué.), 23266, *A	2535(92)	
<i>Berquist v. The Queen</i> (Crim.)(Alta.), 22837, *01 16.4.92	608(92)	955(92)
<i>Bessette c. Pavage et Aménagement paysager Antonio Borsellino Inc.</i> (Qué.), 22854, *02 25.6.92	1183(92)	1625(92)
<i>Bilodeau (Jacques) c. Boutin</i> (Qué.), 23095, *03 10.12.92	2184(92)	2721(92)
<i>Bilodeau (Line) c. Couture</i> (Qué.), 22711, *B	33(92)	
<i>Birch Builders Ltd. v. Corporation of the Township of Esquimalt</i> (B.C.), 23052, *02 22.10.92	2060(92)	2334(92)
<i>Blake v. The Queen</i> (Crim.)(Ont.), 22917, *05 23.10.92	2365(92)	2365(92)
<i>Blue Gold Drilling Ltd. v. Matchett</i> (Alta.), 23102, *02 19.11.92	2300(92)	2549(92)
<i>Boisvert-Mael c. Fiset</i> (Que.), 22969, *02 20.8.92	1750(92)	1946(92)
<i>Borsman v. Cherry</i> (B.C.), 23249, *A	2438(92)	
<i>Bourque (Lorinda) v. Wells</i> (N.B.), 22648, *02 12.3.92	3005(91)	672(92)
<i>Bourque (Luc-Lin) c. Héту</i> (Qué.), 23094, *02 19.11.92	2183(92)	2552(92)
<i>Branch v. British Columbia Securities Commission</i> (B.C.), 22978, *03 24.9.92	1753(92)	2082(92)
<i>Brault-Clément Inc. c. La Reine</i> (C.A.F.)(Qué.), 22970, *02 24.9.92	1749(92)	2091(92)

<i>Brethour v. Metropolitan Licensing Commission of Metropolitan Toronto</i> (Ont.), 22626, *02 26.3.92	302(92)	786(92)
<i>Breton c. Habitat Ste-Foy (1982) Inc.</i> (Qué.), 22646, *02 6.2.92	2785(91)	323(92)
<i>British Columbia Council of Human Rights v. University of British Columbia and the School of Family and Nutritional Sciences</i> (B.C.), 22640, *03 6.2.92	2782(91)	348(92)
<i>British Columbia Egg Marketing Board v. Delight</i> (B.C.), 22756, *02 4.6.92	925(92)	1429(92)
<i>British Columbia Securities Commission v. Pezim</i> (B.C.), 23113, *B	2515(92)	
<i>Brown (Montague) v. The Queen in right of the province of British Columbia</i> (B.C.), 22946, *03 1.10.92	2515(92) 1328(92)	2194(92)
<i>Brown (Roderick) v. The Queen</i> (Crim.)(Ont.), 22872, *01 2.3.92	535(92)	616(92)
<i>Browning Harvey Ltd. v. The Queen</i> (F.C.A.)(Nfld.), 23167, *B	2517(92)	
<i>Bunn v. The Queen</i> (Crim.)(Man.), 22774, *01 26.3.92	298(92)	783(92)
<i>Burrard Motor Inn Ltd. v. Lysack</i> (B.C.), 22690, *02 6.2.92	53(92)	320(92)
<i>Cadorette c. Corporation Municipale de la Ville de Granby</i> (Qué.), 23055, *01 22.10.92	1928(92)	2333(92)
<i>Callahan v. Jabs</i> (B.C.), 22973, *02 3.9.92	1761(92)	2073(92)
<i>Cameron v. The Queen</i> (Crim.)(Ont.), 23020, *01 5.11.92	1914(92)	2453(92)
<i>Canada Post Corporation v. Canadian Union of Postal Workers</i> (N.S.), 22752, *01 26.3.92	303(92)	787(92)
<i>Canadian Association of Regulated Importers v. Attorney General of Canada</i> (F.C.A.)(Ont.), 22871, *02 25.6.92	1178(92)	1620(92)
<i>Canadian Broadcasters Retransmission Rights Agency Inc. v. F. W. S. Joint Sports Claimants</i> (F.C.A.), 22631, *02 9.4.92	2778(91)	945(92)
<i>Canadian Broadcasting Corporation v. Bank of British Columbia</i> (B.C.), 22945, *02 27.8.92	1489(92)	1956(92)
<i>Canadian Broadcasting Corporation v. Canada Labour Relations Board</i> (F.C.A.)(Ont.), 23142, *B	2544(92)	
<i>Canadian General Insurance Co. v. 132284 Canada Ltd.</i> (Ont.), 23182, *A	2535(92)	
<i>Canadian Marconi Co. v. The Queen</i> (F.C.A.)(Ont.), 22806, *02 4.6.92	666(92)	1447(92)
<i>Canadian National Railway Co. v. Oakville Storage and Forwarders Ltd.</i> (Ont.), 22507, *02 6.2.92	2679(91)	346(92)
<i>Canadian Pacific Ltd. v. Abramovic</i> (Ont.), 22803, *02 28.5.92	776(92)	1336(92)
<i>Canepa v. Minister of Employment and Immigration</i> (Ont.), 23192, *B	2657(92)	
<i>Caratun v. Caratun</i> (Ont.), 23310, *A	2622(92)	
<i>Carleton Condominium Corporation No. 347 v. Trendsetter Developments Ltd.</i> (Ont.), 23235, *A	2345(92)	
<i>Caron (François) c. La Reine</i> (Crim.)(Qué.), 22824, *01		

28.5.92	930(92)	1334(92)
<i>Caros Investments Ltd. v. Royal Bank of Canada</i> (Sask.), 22754, *02 19.3.92	313(92)	729(92)
<i>Carr v. Levitt</i> (B.C.), 23034, *02 24.9.92	1863(92)	2086(92)
<i>Carrier Sekani Tribal Council v. Minister of the Environment</i> (F.C.A.)(B.C.), 23133, *B	2441(92)	
<i>Carter v. The Queen</i> (Crim.)(Ont.), 22737, *01 6.2.92 60(92)	322(92)	
<i>Chaba v. Greschuk</i> (Alta.), 23000, *A	1216(92)	
<i>Chanachowicz v. Bryan</i> (Ont.), 22987, *01 27.8.92	1759(92)	1961(92)
<i>Chand v. The Queen</i> (Crim.)(B.C.), 22766, *01 4.6.92	655(92)	1423(92)
<i>Charchun v. Daniels</i> (Alta.), 22834, *02 4.6.92	927(92)	1431(92)
<i>Charles c. Université de Montréal</i> (Qué.), 23280, *A	2513(92)	
<i>Charles R. Bell Ltd. v. The Queen</i> (F.C.A.), 23287, *A	2514(92)	
<i>Charlton v. The Queen</i> (B.C.), 23089, *05 2.11.92	2464(92)	2464(92)
<i>Chartrand c. Directeur de l'établissement de détention Leclerc</i> (Crim.)(Qué.), 23174, *B	2440(92)	
<i>Chivukula v. The Queen in right of Ontario</i> (Ont.), 23185, *B	2660(92)	
<i>Choonie v. Minister of Employment and Immigration</i> (F.C.A.)(Ont.), 22728, *01 5.3.92	72(92)	617(92)
<i>Chrisgian v. B. C. Rail Ltd.</i> (B.C.), 22619, *02 16.1.92	2684(91)	100(92)
<i>Chrysler Canada Ltd. v. Competition Tribunal and the</i> <i>Director of Investigation and Research</i> (F.C.A.)(Ont.), 22746, *01 9.4.92	297(92)	943(92)
<i>Chu v. Laurentian Bank of Canada</i> (Alta.), 23286, *A	2514(92)	
<i>Cicconi v. Groch</i> (Alta.), 22931, *02 27.8.92	1490(92)	1957(92)
<i>Cicero c. La Reine</i> (Crim.)(Qué.), 22869, *01 20.8.92	1748(92)	1945(92)
<i>Ciment Québec Inc. c. Corporation municipale de la</i> <i>municipalité de Saint-Basile, village sud</i> (Qué.), 22749, *03 26.3.92	82(92)	797(92)
<i>Clutterbuck v. The Queen</i> (Crim.)(Ont.), 23025, *03 1.10.92	1752(92)	2188(92)
<i>Collier v. Collier</i> (N.B.), 22753, *02 26.3.92	304(92)	788(92)
<i>Comité paritaire de l'industrie de la chemise c. Procureur</i> <i>général du Québec</i> (Qué.), 23083, *B	2356(92)	
<i>Commission of Inquiry appointed pursuant to The Public</i> <i>Inquiries Act, R.S.S., c. P-38 v. Royal Canadian</i> <i>Mounted Police</i> (Sask.), 23181, *01 5.11.92	2327(92)	2456(92)
<i>Communauté Urbaine de Montréal c. Placements Ansec Ltée</i> (Qué.), 23278, *A	2513(92)	
<i>Conseil canadien des relations du travail c. Procureur</i> <i>général du Canada</i> (C.A.F.)(Qué.), 23211, *B	2668(92)	
<i>Construction Amtron Inc. c. Corbeil</i> (Qué.), 22562, *A	1783(91)	
<i>Constructions du St-Laurent Ltée c. Banque</i> <i>Nationale du Canada</i> (Qué.), 22902, *02 2.7.92	1256(92)	1784(92)
<i>Conway v. The Queen</i> (Crim.)(F.C.A.)(Ont.), 22633, *03 6.2.92	2496(91)	337(92)
<i>Corporation de Notre-Dame de Bon-Secours c.</i> <i>Communauté Urbaine de Québec</i> (Qué.), 23014, *03 8.10.92	1860(92)	2267(92)
<i>Corporation municipale de Saint-Donat c. 155849</i> <i>Canada Inc.</i> (Qué.), 23219, *B	2675(92)	

<i>Corporation of the City of Courtenay v. Parker</i> (B.C.), 22595, *02 13.2.92	23(92)	376(92)
<i>Corporation of the City of Peterborough v. Ramsden</i> (Ont.), 22787, *03 4.6.92	610(92)	1437(92)
<i>Corporation of the County of Simcoe v. Vokes</i> (Ont.), 22609, *02 16.1.92	2682(91)	95(92)
<i>Corporation of the District of Maple Ridge v. Anderson</i> (B.C.), 23239, *A	2346(92)	
<i>Côté (Alain) c. Lim</i> (Qué.), 23080, *A	1614(92)	
<i>Côté (Normand) c. Informatique Vidéotron Ltée</i> (Qué.), 22667, *02 6.2.92	3009(91)	329(92)
<i>Council of the College of Physicians and Surgeons of Saskatchewan v. Misra</i> (Sask.), 21140, *05 27.1.92	259(92)	259(92)
<i>Coutu c. Investissements Cema Suisse Ltée</i> (Qué.), 22699, *01 20.2.92	50(92)	454(92)
<i>Couture Leclerc et Assoc. Inc. c. Hervé Pomerleau Inc.</i> (Qué.), 22148, *B	259(91)	
<i>Coyoy v. Minister of Employment and Immigration</i> (F.C.A.)(Ont.), 22891, *01 11.6.92	1422(92)	1504(92)
<i>Croft &amp; Finlay v. Rieger</i> (B.C.), 22689, *02 20.2.92	38(92)	459(92)
<i>Crouse v. The Queen</i> (Crim.)(Ont.), 22937, *05 23.11.92	2630(92)	2630(92)
<i>Cumberland Drugs (Merivale) Ltd. c. L'Ordre des Optométristes du Québec</i> (Crim.)(Qué.), 23028, *01 24.9.92	1864(92)	2093(92)
<i>Cunningham v. Wheeler</i> (B.C.), 22867, *03 1.10.92	1565(92)	2195(92)
<i>Cyrus v. Minister of Health and Welfare</i> (F.C.A.), 23180, *B	2660(92)	
<i>D. A. Z. v. The Queen</i> (Alta.), 22620, *A	2607(91)	
<i>D. (R.) v. S. (W.)</i> (B.C.), 22630, *02 16.1.92	2678(91)	92(92)
<i>D. V. c. Lavoie</i> (Qué.), 22954, *01 2.7.92	1569(92)	1787(92)
<i>D. Atwill Morin &amp; Fils Inc. c. 147310 Canada Inc.</i> (Qué.), 22785, *02 7.5.92	667(92)	1189(92)
<i>Dan v. Attorney General of British Columbia</i> (B.C.), 23186, *01 26.11.92	2348(92)	2623(92)
<i>Dancorp Developments Ltd. v. Realtech Realty Corporation</i> (B.C.), 22777, *02 16.4.92	528(92)	952(92)
<i>Daniels v. The Queen</i> (Crim.)(Sask.), 22615, *01 6.2.92 2674(91)	339(92)	
<i>DeAcetis v. DeAcetis</i> (Ont.), 22996, *02 3.9.92	1848(92)	2074(92)
<i>Dean v. Fobel</i> (Sask.), 22692, *02 5.3.92	77(92)	627(92)
<i>Debiens c. Corporation Municipale de Saint-Jean de Boischatel</i> (Qué.), 22950, *02 23.7.92	1494(92)	1873(92)
<i>Dee v. Minister of Employment and Immigration</i> (F.C.A.)(Man.), 22669, *01 13.2.92	24(92)	374(92)
<i>Dee v. Minister of Employment and Immigration</i> (F.C.A.)(Man.), 22670, *01 13.2.92	25(92)	375(92)
<i>Defilippis v. 568293 Ontario Ltd.</i> (Ont.), 23177, *B	2546(92)	
<i>Delansky-Reed v. Handy-Reed</i> (Ont.), 21345, *A	294(89)	
<i>Derrickson v. M. D. Sloan Consultants Ltd.</i>		

(B.C.), 22835, *01 4.6.92	924(92)	1426(92)
<i>Derrickson v. Tomat</i> (B.C.), 22942, *01 1.10.92	1911(92)	2190(92)
<i>Dersch v. The Queen</i> (Crim.)(B.C.), 22483, *03 6.2.92 2770(91)	340(92)	
<i>Descoteaux c. Banque nationale du Canada</i> (Qué.), 23322, *A	2702(92)	
<i>Dimitrov c. Minister of Employment and Immigration</i> (C.A.F.)(Qué.), 23017, *01 24.9.92	1856(92)	2085(92)
<i>Dipchand v. The Queen</i> (Crim.)(Ont.), 22736, *05 2.4.92	989(92)	989(92)
<i>Donaldson v. The Queen</i> (Crim.)(Ont.), 22911, *01 4.6.92	1071(92)	1456(92)
<i>Dorscheid v. The Queen</i> (Crim.)(Alta.), 22724, *01 6.2.92 2998(91)	314(92)	
<i>Doyle (Donald Michael) v. The Queen</i> (Crim.)(N.S.), 22796, *01 4.6.92	613(92)	1446(92)
<i>Doyle (John Christopher) c. Sparling</i> (Qué.), 22832, *02 8.10.92	1185(92)	2267(92)
<i>Drakes v. The Queen</i> (Crim.)(Qué.), 22748, *01 6.2.92 21(92)	316(92)	
<i>Dressew Supply Ltd. v. Laurentian Pacific Insurance Co.</i> (B.C.), 22586, *02 16.1.92	2775(91)	97(92)
<i>Duchesne c. La Reine</i> (Crim.)(Qué.), 22983, *01 6.8.92 1420(92)	1931(92)	
<i>Duchesne c. La Reine</i> (Crim.)(Qué.), 22984, *01 6.8.92 1421(92)	1932(92)	
<i>Dufour c. États-Unis d'Amérique</i> (Crim.)(Qué.), 22553, *01 19.11.92	2345(91)	2550(92)
<i>Dumaresq v. Freeway Plymouth Chrysler Ltd.</i> (Crim.)(B.C.), 22599, *01 6.2.92	2407(91)	345(92)
<i>Dunphy Leasing Enterprises Ltd. v. Bank of Nova Scotia</i> (Alta.), 22819, *03 4.6.92	781(92)	1444(92)
<i>Duodo v. The Queen</i> (Crim.)(Ont.), 23013, *01 27.8.92	1561(92)	1952(92)
<i>Duron Ottawa Ltd. v. Sarnafil Canada Ltd.</i> (Ont.), 22763, *02 4.6.92	923(92)	1425(92)
<i>E. P. v. Children's Aid Society of the County of Lanark</i> (Ont.), 22851, *01 21.5.92	719(92)	1258(92)
<i>E. T. v. The Queen</i> (Crim.)(B.C.), 22873, *03 4.6.92	721(92)	1439(92)
<i>Edgeworth Construction Ltd. v. N. D. Leo &amp; Associates Ltd.</i> (B.C.), 22429, *03 2.7.92	1836(91)	1788(92)
<i>Eli Lilly and Company v. Apotex Inc.</i> (F.C.A.)(Ont.), 22594, *02 6.2.92	2403(91)	336(92)
<i>Elkman Development Corporation c. Dubord Construction Inc.</i> (Qué.), 22776, *02 7.5.92	669(92)	1190(92)
<i>Enns v. Attorney General of Canada</i> (F.C.A.)(Ont.), 22184, *05 23.3.92	806(92)	806(92)
<i>Entreprises Grutman Inc. c. L'Archevesque &amp; Rivest Ltée</i> (Qué.), 22641, *02 6.2.92	2787(91)	324(92)
<i>Epstein v. Epstein</i> (N.B.), 22813, *01 26.3.92	446(92)	789(92)
<i>Estonactor v. Minister of Employment and Immigration</i> (F.C.A.), 21475, *A	1349(89)	
<i>Eyford v. The Queen</i> (Crim.)(B.C.), 23295, *B	2703(92)	
<i>Falardeau c. Gingras</i> (Qué.), 22625, *02 20.2.92	62(92)	467(92)

<i>Farinacci v. The Queen</i> (Ont.), 23059, *A	2702(92)	
<i>Fédération des employées et employés de services publics Inc. c. St-Jacques</i> (Qué.), 22339, *05 30.7.92	1982(92)	1982(92)
<i>Felawka v. The Queen</i> (Crim.)(B.C.), 22783, *03 26.3.92	524(92)	792(92)
<i>Fenton v. Forensic Psychiatric Services Commission</i> (B.C.), 22612 *01 9.4.92	2773(91)	941(92)
<i>Ferlac Inc. c. Société d'entraide économique d'Alma</i> (Qué.), 22701, *02 20.2.92	56(92)	466(92)
<i>Fernandes v. The Director (Winnipeg Central)</i> (Man.), 23169, *B	2518(92)	
<i>Finta v. The Queen</i> (Crim.)(Ont.), 23097, *03 10.12.92	2059(92)	2725(92)
<i>Flick v. Bunce</i> (Sask.), 22605, *02 16.1.92	2681(91)	94(92)
<i>Flieger v. Province of New Brunswick</i> (N.B.), 22875, *03 2.7.92	1173(92)	1778(92)
<i>Ford Credit Canada Ltd. v. Crosbie Realty Ltd.</i> (Nfld.), 22951, *02 27.8.92	1567(92)	1959(92)
<i>Forsythe v. The Queen</i> (Crim.)(N.S.), 22928, *01 25.6.92	1220(92)	1622(92)
<i>Frank v. The Queen</i> (Crim.)(N.S.), 22678, *01 27.2.92	2864(91)	536(92)
<i>Franks v. King</i> (B.C.), 22866, *02 27.8.92	1566(92)	1958(92)
<i>French v. Tronrud</i> (Man.), 22723, *02 12.3.92	76(92)	674(92)
<i>Friedberg v. The Queen</i> (Crim.)(Ont.), 22990, *02 2.7.92	1412(92)	1775(92)
<i>Friends of the Athabasca Environmental Association v. Lack</i> (Alta.), 23208, *B	2708(92)	
<i>Friends of the Oldman River Society v. The Queen</i> (Alta.), 22976, *01 6.8.92	1495(92)	1933(92)
<i>G. (R. R.) v. P. (D. E.)</i> (Sask.), 22683, *02 5.3.92 36(92)	626(92)	
<i>Galaske v. Stauffer</i> (B.C.), 23109, *03 10.12.92	2349(92)	2728(92)
<i>Garcia c. Société Nationale d'Assurances</i> (Qué.), 22855, *02 25.6.92	1184(92)	1626(92)
<i>Garnet Lane Developments Ltd. v. Webster</i> (Ont.), 23279, *A	2513(92)	
<i>Gateway Industries Ltd. v. MacMillan Bathurst Inc.</i> (Man.), 22842, *02 4.6.92	926(92)	1430(92)
<i>Gauthier c. Banque nationale du Canada</i> (Qué.), 22778, *02 14.4.92	668(92)	949(92)
<i>General Electric Canada Inc. v. Beloit Canada Ltée</i> (F.C.A.)(Ont.), 22675, *02 19.3.9271(92)	723(92)	
<i>Gervais c. La Reine</i> (Crim.)(Qué.), 23134, *01 3.12.92	2330(92)	2680(92)
<i>Gesser v. The Queen</i> (F.C.A.)(Qué.), 22965, *02 20.8.92	1745(92)	1943(92)
<i>Gibney v. Gilliland</i> (B.C.), 23159, *B	2519(92)	
<i>Gill v. Minister of Employment and Immigration</i> (F.C.A.)(Ont.), 19528, *05 5.8.92	1984(92)	1984(92)
<i>Golden Horse Farms Inc. v. Household Trust Co.</i> (B.C.), 23022, *02 19.11.92	2299(92)	2548(92)
<i>Golden Horse Farms Inc. v. Household Trust Co.</i> (B.C.), 22710, *02 7.5.92	663(92)	1187(92)
<i>Golden Horse Farms Inc. v. Household Trust Co.</i> (B.C.), 22768, *02 7.5.92	662(92)	1187(92)
<i>Goreham v. The Queen</i> (N.S.), 22302, *A	381(91)	
<i>Gornergrat Developments Ltd. v. Ryan Road Developments Inc.</i> (Ont.), 23323, *A	2702(92)	

<i>Gougeon &amp; Frères Ltée c. L'Association des employés de garage de Drummondville (CSN) (Qué.)</i> , 23070, *05 15.7.92	1894(92)	1894(92)
<i>Graham v. The Queen (Crim.)(Ont.)</i> , 22643, *01 20.2.92	37(92)	458(92)
<i>Grand Council of the Crees (of Quebec) v. Attorney General of Quebec (F.C.A.)(Qué.)</i> , 22705, *03 11.6.92	22(92)	1497(92)
<i>Granville Savings and Mortgage Corporation v. Campbell (Man.)</i> , 23210, *B	2671(92)	
<i>Gravel c. Arthur (Qué.)</i> , 22685, *02 20.2.92	42(92)	462(92)
<i>Gray v. The Queen (Crim.)(Ont.)</i> , 22573, *01 23.1.92	2863(91)	107(92)
<i>Greater Edmonton Development Corporation v. BTK Holdings Ltd. (Alta.)</i> , 23281, *A	2621(92)	
<i>Greenbaum c. Friedman (Qué.)</i> , 23233, *A	2345(92)	
<i>Greenwood v. The Queen (Crim.)(Ont.)</i> , 22908, *01 14.5.92	936(92)	1229(92)
<i>Greganti v. The Queen (Crim.)(Ont.)</i> , 22876, *05 16.7.92	1894(92)	1894(92)
<i>Gresham v. Ernst &amp; Young Inc. (Sask.)</i> , 22888, *A	716(92)	
<i>Grewal v. Salama Enterprises (1988) Inc. (B.C.)</i> , 23032, *02 20.8.92	1763(92)	1948(92)
<i>Griffin v. College of Dental Surgeons of British Columbia (B.C.)</i> , 20676, *A	6(90)	
<i>Grisack v. Grisack (Alta.)</i> , 23050, *02 19.11.92	1921(92)	2552(92)
<i>Groupe Commerce Compagnie d'Assurances c. Service d'entretien Ribo Inc. (Qué.)</i> , 23242, *A	2346(92)	
<i>Haig v. Kingsley (F.C.A.)</i> , 23223, *A	2326(92)	
<i>Hale c. La Reine (C.A.F.)(Qué.)</i> , 23193, *B	2664(92)	
<i>Haltrecht c. Chambre des notaires du Québec M<sup>e</sup> Raymond Mercier (Qué.)</i> , 22956, *02 19.11.92	2067(92)	2552(92)
<i>Hamway v. Regional Realty (Ont.)</i> , 22912, *02 30.7.92	1329(92)	1877(92)
<i>Hanzlik v. The Queen, (Crim.)(Ont.)</i> , 23011, *01 2.7.92	1486(92)	1777(92)
<i>Harbottle v. The Queen (Crim.)(Ont.)</i> , 23037, *01 19.11.92	2265(92)	2554(92)
<i>Hardouin c. Commission d'Appel en Matière de Lésions Professionnelles (Qué.)</i> , 23261, *B	2711(92)	
<i>Harper v. The Queen (Crim.)(Man.)</i> , 23160, *03 10.12.92	2259(92)	2727(92)
<i>Harrigan (Richard Leslie) v. The Queen (Ont.)</i> , 22958, *A	916(92)	
<i>Harrigan (Thomas) v. The Queen (Crim.)(Ont.)</i> , 23005, *01 20.8.92	1769(92)	1944(92)
<i>Harrison v. The Queen (Crim.)(Sask.)</i> , 22734, *01 11.6.92	656(92)	1502(92)
<i>Heller v. Greater Vancouver Regional District (B.C.)</i> , 23271, *A	2512(92)	
<i>Hillcrest Housing Ltd. v. Wedge (P.E.I.)</i> , 23229, *A	2345(92)	
<i>Hilton Canada Inc. c. Union des municipalités régionales de comté et des municipalités locales du Québec Inc. (Qué.)</i> , 23093, *02 10.12.92	2055(92)	2720(92)
<i>Hiscock c. La Reine (Crim.)(Qué.)</i> , 22933, *B	2670(92)	
<i>Hodgkinson v. Simms (B.C.)</i> , 23033, *03 1.10.92	1862(92)	2197(92)
<i>Hofmann v. Moses (B.C.)</i> , 22894, *01 2.7.92	1257(92)	1785(92)
<i>Hollway v. The Queen (Crim.)(Ont.)</i> , 23064, *01 5.11.92	1908(92)	2453(92)
<i>Hongkong Bank of Canada v. Philip's Manufacturing Ltd. (B.C.)</i> , 23004, *02 3.9.92	1849(92)	2075(92)
<i>Hoogenraad v. Iannone (B.C.)</i> , 22971, *B	1739(92)	



<i>Houlahan v. The Queen</i> (Man.), 22545, *05 30.12.91	141(92)	141(92)
<i>Howard v. The Queen</i> (Crim.)(Ont.), 22999, *03 1.10.92	1738(92)	2188(92)
<i>Hudson's Bay Co. v. Wetston</i> (Ont.), 23006, *B	2352(92)	
<i>Hughes (John David) v. City of Moncton</i> (N.B.), 22745, *02 19.3.92	310(92)	728(92)
<i>Hughes (Robert David) v. The Queen</i> (Crim.)(N.S.), 22972, *01 30.7.92	1481(92)	1875(92)
<i>Hunt v. Lac D'Amiante du Québec Ltée</i> (B.C.), 22637, *03 16.1.92	2784(91)	99(92)
<i>Huppe v. Nychka</i> (Alta.), 22795, *01 23.4.92	660(92)	960(92)
<i>Hydro Electric Commission of the Town of Kenora v. Vacationland Dairy Cooperative Ltd.</i> (Ont.), 22947, *03 1.10.92	1564(92)	2187(92)
<i>Hydro-Québec c. Desrochers</i> (Qué.), 23263, *B	2712(92)	
<i>Insurance Corporation of British Columbia v. Minister of Financial Institutions</i> (Ont.), 23128, *B	2353(92)	
<i>International Aviation Terminals (Vancouver) Ltd. v. Corporation of the Township of Richmond</i> (B.C.), 23001, *02 22.10.92	1912(92)	2332(92)
<i>International Longshoremen's and Warehousemen's Union -- Canada Area Locals 500, 502, 503, 504, 505, 506, 508, 515 and 519 v. The Queen</i> (F.C.A.), 23306, *A	2621(92)	
<i>Investissements Contempra Ltée c. Procureur général du Québec</i> (Crim.)(Qué.), 23053, *02 5.11.92	2061(92)	2455(92)
<i>Issa v. The Queen</i> (Crim.)(Ont.), 23252, *B	2662(92)	
<i>J. J. M. v. The Queen</i> (Crim.)(Man.), 22790, *03 9.4.92	292(92)	942(92)
<i>J. M. Voit GmbH v. Beloit Canada Ltée</i> (F.C.A.)(Ont.), 22674, *02 19.3.92	70(92)	724(92)
<i>J. M. Voit GmbH v. Beloit Corporation</i> (F.C.A.)(Ont.), 22672, *02 19.3.92	68(92)	726(92)
<i>Jamieson c. Directeur du Centre de Prévention Parthenais</i> (Crim.)(Qué.), 22879, *01 11.6.92	1181(92)	1500(92)
<i>Janitzki v. The Queen</i> (F.C.A.)(Ont.), 22779, *01 5.3.92	296(92)	620(92)
<i>Jeanette B.B.Q. Ltée v. Caisse Populaire de Tracadie Ltée</i> (N.B.), 22662, *02 6.2.92	3013(91)	332(92)
<i>Jeans Leslie Inc. c. Goldstein</i> (Qué.), 22629, *02 9.4.92 2788(91)	947(92)	
<i>Jeffreys v. The Queen</i> (Ont.), 23061, *A	2702(92)	
<i>Jensen (Gene Melvin) v. Jensen</i> (N.S.), 22910, *02 23.7.92	1326(92)	1868(92)
<i>Jensen (Leroy) v. Tolofson</i> (B.C.), 22980, *03 1.10.92	1770(92)	2196(92)
<i>Jewer v. The Queen</i> (Crim.)(B.C.), 22822, *01 30.4.92	615(92)	1080(92)
<i>Jobin v. The Queen</i> (Crim.)(Alta.), 23190, *B	2538(92)	
<i>Jocelyn c. Ministre de l'emploi et de l'immigration</i> (C.A.F.)(Qué.), 22831, *02 11.6.92	932(92)	1499(92)
<i>Joe Moretta Investments Ltd. v. The Queen in right of Ontario represented by Her Minister of Housing</i> (Ont.), 23114, *02 3.12.92	2351(92)	2678(92)
<i>Jones (Scott) v. The Queen</i> (Crim.)(B.C.), 23157, *03 10.12.92	2262(92)	2732(92)
<i>Jones (Susan) v. Boundary Shores Golf Course Ltd.</i> (B.C.), 23230, *A	2345(92)	

<i>Jordan v. The Queen</i> (Crim.)(Ont.), 22884, *01 4.6.92	934(92)	1427(92)
<i>Joubert v. The Queen</i> (Crim.)(B.C.), 22885, *01 10.12.92	2265(92)	2721(92)
<i>Juneau c. Ville de Québec</i> (Qué.), 22791, *02 14.5.92	670(92)	1227(92)
<i>Kadar v. Ede</i> (Alta.), 22900, *01 9.7.92	1416(92)	1792(92)
<i>Kahn v. St. Thomas Psychiatric Hospital</i> (Ont.), 22975, *02 8.10.92	1756(92)	2268(92)
<i>Kahn v. The Queen</i> (Crim.)(Ont.), 23021, *01 8.10.92	1909(92)	2269(92)
<i>Kansa General Insurance Co. v. Jones</i> (Ont.), 23187, *A	2652(92)	
<i>Karfilis v. The Queen</i> (Crim.)(Ont.), 22663, *01 6.2.92 2868(91)	328(92)	
<i>Kansa General Insurance Co. v. Jones</i> (Ont.), 23187, *A	2510(92)	
<i>Kaverit Steel and Crane Ltd. v. Kone Corporation</i> (Alta.), 22906, *02 24.9.92	1746(92)	2084(92)
<i>Kaysaywaysemat v. The Queen</i> (Crim.)(Sask.), 22877, *01 21.5.92	885(92)	1259(92)
<i>Kehler v. Corporation of the District of Surrey</i> (B.C.), 23241, *A	2346(92)	
<i>Kennedy v. The Queen</i> (Crim.)(Ont.), 22899, *01 4.6.92	919(92)	1424(92)
<i>Kenny v. The Queen</i> (Crim.)(Ont.), 22840, *01 27.8.92	1768(92)	1951(92)
<i>Kieling (Charles) v. Saskatchewan Wheat Pool</i> (Sask.), 23258, *A	2702(92)	
<i>Kieling (Robert Charles) v. The Queen</i> (Crim.)(Sask.), 23069, *01 27.8.92	1915(92)	1955(92)
<i>Kirk v. The Queen</i> (Crim.)(Ont.), 23293, *B	2705(92)	
<i>Kita v. Braig</i> (B.C.), 23240, *A	2652(92)	
<i>Knopp v. The Queen</i> (Alta.), 23196, *A	2294(92)	
<i>Konetzka v. Davies</i> (B.C.), 23198, *B	2672(92)	
<i>Konica Canada Inc. v. Canadian Olympic Association</i> (F.C.A.)(Ont.), 22807, *02 14.5.92	782(92)	1228(92)
<i>Kripps v. The Queen in right of the province of British</i> <i>Columbia</i> (Crim.)(B.C.), 23268, *A	2621(92)	
<i>Kuz v. The Queen</i> (Ont.), 23204, *A	2535(92)	
<i>Lacey v. The Queen in right of Canada</i> (F.C.A.), 22687, *02 5.3.92	28(92)	622(92)
<i>Lacika v. Ontario New Home Warranty Program</i> (Ont.), 22716, *01 20.2.92	65(92)	457(92)
<i>Laflour c. La Reine</i> (Crim.)(Qué.), 23131, *01 3.12.92	2520(92)	2680(92)
<i>Lafrance v. The Queen</i> (Crim.)(Ont.), 22993, *05 22.6.92	1323(92)	1808(92)
<i>Lafrance v. The Queen</i> (Crim.)(Ont.), 22993, *05 5.11.92	2464(92)	2464(92)
<i>Lagacé c. Poirier</i> (Qué.), 22504, *02 2.4.92	309(92)	888(92)
<i>Lajoie v. The Queen</i> (Ont.), 21436, *A	975(89)	
<i>Lakeway Heights Developments Inc. v. Royal Bank of Canada</i> (B.C.), 22957, *01 30.7.92	1740(92)	1876(92)
<i>Lalancette c. Centre des services sociaux de la</i> <i>Côte-Nord</i> (Qué.), 22600, *01 6.2.92	2687(91)	351(92)
<i>Lambert v. Council of the College of Physicians</i> <i>and Surgeons</i> (Sask.), 23042, *02 27.8.92	1767(92)	1950(92)
<i>Lamontagne c. Domtar Inc.</i> (Qué.), 23272, *B	2716(92)	
<i>Lapointe c. Domtar Inc.</i> (Qué.), 22717, *03 26.3.92	80(92)	796(92)
<i>L'Archeveque &amp; Rivest Ltée c. Major</i> (Qué.), 22651, *02 20.2.92	55(92)	465(92)

<i>Latham v. The Queen</i> (Crim.)(Sask.), 21808, *01 5.3.92	295(92)	619(92)
<i>Latulippe, Renaud, Bourque Ltée c. Domaine Saint-Martin Ltée</i> (Qué.), 23175, *B	2521(92)	
<i>Laurentienne générale, Compagnie d'assurance Inc. c.</i> <i>Les pétroles Irving Inc.</i> (Qué.), 22657, *02 21.5.92	533(92)	1260(92)
<i>Laurier Life Insurance Co. v. Wagner Brothers Holdings Inc.</i> (Ont.), 23231, *A	2652(92)	
<i>Lauzon v. Collins Bay Institution (The Warden)</i> (Crim.)(Ont.), 23066, *01 8.10.92	1847(92)	2268(92)
<i>Lavigne c. Centre Hospitalier des Laurentides</i> (Qué.), 23270, *B	2715(92)	
<i>Lavoie c. La Reine</i> (Crim.)(Qué.), 22982, *01 25.6.92	1419(92)	1628(92)
<i>Law Society of Newfoundland v. Nixon</i> (Nfld.), 23274, *A	2512(92)	
<i>Lawson v. Solicitor-General Angus Ree</i> (B.C.), 22919, *02 10.9.92	1570(92)	2077(92)
<i>Laxton v. Commonwealth Investors Syndicate Ltd.</i> (B.C.), 23200, *A	2296(92)	
<i>Leckie v. Swain</i> (Ont.), 23246, *A	2346(92)	
<i>Lee v. Lee</i> (Man.), 22330, *01 19.12.91	2675(91)	83(92)
<i>Lefebvre c. La Reine</i> (Crim.)(Qué.), 22909, *01 18.6.92	1076(92)	1575(92)
<i>Leibovici c. Barclay Stores Equipment Ltd.</i> (Qué.), 22963, *02 27.8.92	1741(92)	1949(92)
<i>Lenner v. Lenner</i> (Alta.), 22817, *B	775(92)	
<i>Lepine v. The Queen</i> (Ont.), 23026, *A	2702(92)	
<i>Lessard c. La Reine</i> (Crim.)(Qué.), 23098, *01 3.12.92	2439(92)	2679(92)
<i>Levogiannis v. The Queen</i> (Crim.)(Ont.), 22953, *03 2.7.92	1219(92)	1780(92)
<i>Li v. The Queen</i> (Crim.)(Ont.), 23096, *01 10.12.92	2064(92)	2731(92)
<i>Littlewolf v. The Queen</i> (Crim.)(Alta.), 23244, *01 10.12.92	2537(92)	2729(92)
<i>Lloyd v. Fox</i> (B.C.), 22698, *02 6.2.92	54(92)	321(92)
<i>London Life, Compagnie d'Assurance-vie c. Berthiaume</i> (Qué.), 23002, *02 10.9.92	1851(92)	2078(92)
<i>London Monenco Consultants Ltd. v. Ontario Human Rights</i> <i>Commission</i> (Ont.), 23248, *A	2652(92)	
<i>Longchamps v. Farm Credit Corporation</i> (Alta.), 23309, *A	2622(92)	
<i>Luitjens v. The Queen</i> (F.C.A.)(B.C.), 23036, *01 10.9.92	1913(92)	2079(92)
<i>Ly v. The Queen</i> (Crim.)(Man.), 22526, *03 6.2.92 2402(91)	335(92)	
<i>Ly v. The Queen</i> (Crim.)(Man.), 22526, *05 5.11.92	2528(92)	2528(92)
<i>Lynch v. The Queen</i> (Crim.)(Ont.), 23218, *B	2658(92)	
<i>M. (M.) c. P. (J.-Y.)</i> (Qué.), 23135, *02 10.12.92	2306(92)	2722(92)
<i>MacDonald (Floyd) v. Council of the College of</i> <i>Physicians and Surgeons of New Brunswick</i> (N.B.), 23015, *02 9.7.92	1615(92)	1793(92)
<i>MacDonald (Nicole) v. Fobel</i> (Sask.), 22692, *02 5.3.92	2604(91)	627(92)
<i>MacKay v. The Queen</i> (Crim.)(B.C.), 23294, *A	2536(92)	
<i>Macooh v. The Queen</i> (Crim.)(Alta.), 22747, *03 26.3.92	20(92)	790(92)
<i>MacPhee v. The Queen</i> ((Crim.)(P.E.I.), 23029, *01 24.9.92	1771(92)	2092(92)
<i>Maglis v. The Queen</i> (Crim.)(Alta.), 22727, *01 6.2.92 18(92)	315(92)	
<i>Maguelone Construction Ltée c. Jacobson</i> (Qué.), 22828, *01 4.6.92	937(92)	1428(92)
<i>Mahendran v. Minister of Employment and</i>		

<i>Immigration</i> (Ont.)(F.C.A.), 22661, *01 20.2.92	3003(91)	455(92)
<i>Maletta v. The Queen</i> (Crim.)(Ont.), 22904, *01 27.8.92	1846(92)	1954(92)
<i>Manek c. Malenfant</i> (Qué.), 22823, *02 25.6.92	1225(92)	1627(92)
<i>Mann v. United States of America</i> (Crim.)(Ont.), 22825, *01 19.11.92	771(92)	2554(92)
<i>Marcoux c. La Reine</i> (Crim.)(Qué.), 22938, *01 11.6.92	1182(92)	1501(92)
<i>Marijon c. La Reine</i> (Qué.), 23291, *A	2514(92)	
<i>Maritime Life Assurance Co. v. Saskatchewan River Bungalows Ltd.</i> (Alta.), 23194, *B	2655(92)	
<i>Marlow v. The Queen</i> (Crim.)(Sask.), 22694, *01 6.2.92 2286291)	342(92)	
<i>Marquard v. The Queen</i> (Crim.)(Ont.), 22940, *03 2.7.92	1218(92)	1779(92)
<i>Martel c. Lemelin</i> (Qué.), 23117, *02 10.12.92	2331(92)	2722(92)
<i>Martinoff v. The Queen</i> (Crim.)(B.C.), 22680, *01 6.2.92 49(92)	318(92)	
<i>Marzetti v. Marzetti</i> (Alta.), 23273, *A	2536(92)	
<i>Massia v. The Queen</i> (Crim.)(Ont.), 22733, *01 20.2.92	17(92)	453(92)
<i>Master Paving &amp; Construction (Niagara Falls) Ltd. v. Corporation of the City of Niagara Falls</i> (Ont.), 23056, *02 1.10.92	1919(92)	2191(92)
<i>Masters v. Masters</i> (Sask.), 22676, *B	35(92)	
<i>Mayer c. La Reine</i> (Crim.)(Qué.), 23176, *B	2520(92)	
<i>McAndrew v. British Columbia Transit</i> (B.C.), 23275, *A	2512(92)	
<i>McColeman v. The Queen</i> (Crim.)(B.C.), 22838, *01 23.4.92	603(92)	958(92)
<i>McGreal v. Public Trustee of British Columbia</i> (B.C.), 23307, *A	2622(92)	
<i>McIntyre v. The Queen</i> (Crim.)(Sask.), 23046, *01 10.12.92	2258(92)	2727(92)
<i>McJannet v. Minister of Employment and Immigration (F.C.A.)(Ont.), 22898, *02 2.7.92</i>	1254(92)	1782(92)
<i>McManus v. The Queen</i> (Crim.)(Ont.), 22893, *01 4.6.92	921(92)	1454(92)
<i>McSpadden v. The Queen</i> (Crim.)(Ont.), 22887, *01 23.4.92	772(92)	963(92)
<i>Meadley v. Tobias</i> (B.C.), 22614, *01 16.1.92	2677(91)	91(92)
<i>Mercer v. The Queen</i> ((Crim.)(Ont.), 22840, *B	1768(92)	
<i>Merger Restaurants v. Lakeview Development of Canada Ltd.</i> (Man.), 22861, *01 25.6.92	1171(92)	1617(92)
<i>Mero v. Regional Municipality of Waterloo</i> (Ont.), 22955, *01 6.8.92	1563(92)	1930(92)
<i>Messina c. Girard</i> (Qué.), 22988, *02 5.11.92	1929(92)	2455(92)
<i>MI Movers International Transport Services Ltd. v. Trigg</i> (Ont.), 22742, *02 26.3.92	300(92)	784(92)
<i>Mihaljevic v. The Queen in Right of British Columbia</i> (B.C.), 22581, *02 16.1.92	2774(91)	85(92)
<i>Millar v. Millar</i> (Alta.), 23212, *B	2542(92)	
<i>Miller (John Earl) v. Cooper</i> (B.C.), 22860, *03 1.10.92	1177(92)	2193(92)
<i>Miller (Robert) v. The Queen</i> (Crim.)(Ont.), 22731, *01 30.1.92	15(92)	250(92)
<i>Minister of National Revenue v. United Terminals Ltd.</i> (F.C.A.), 23205, *B	2659(92)	
<i>Ministre du Revenu du Québec c. 143471 Canada Inc.</i> (Qué.), 22989, *03 1.10.92	1754(92)	2189(92)

CUMULATIVE INDEX -  
APPLICATIONS FOR LEAVE TO  
APPEAL

INDEX CUMULATIF - REQUÊTES  
EN AUTORISATION DE POURVOI

<i>Miron v. Trudel</i> (Ont.), 22744, *03 4.6.92	452(92)	1445(92)
<i>Mirucki c. L'Université du Québec à Montréal</i> (Qué.), 22684, *02 5.3.92	32(92)	624(92)
<i>Mobile Oil Canada, Ltd. v. Canada-Newfoundland Offshore</i> <i>Petroleum Board</i> (Nfld.), 22948, *03 1.10.92	1488(92)	2194(92)
<i>Mohawk Oil Co. v. The Queen</i> (Crim.)(F.C.A.)(B.C.), 22918, *02 2.7.92	1414(92)	1776(92)
<i>Mohr v. Scofield</i> (Alta.), 22784, *02 7.5.92	609(92)	1186(92)
<i>Moisescu c. Royal Bank of Canada</i> (Qué.), 23199, *B	2676(92)	
<i>Monasterios c. La Reine</i> (Crim.)(Qué.), 22764, *01 16.1.92	3(92)	106(92)
<i>Mondev International Ltd. v. Campeau Corporation</i> (Ont.), 22802, *02 7.2.92	373(92)	373(92)
<i>Montreal Trust Co. of Canada v. Lopushinsky</i> (B.C.), 22847, *02 11.6.92	1170(92)	1503(92)
<i>Morin v. The Queen</i> (Alta.), 22530, *A	2253(91)	
<i>Morley v. The Queen</i> (Crim.)(Ont.), 22709, *01 5.3.92 26(92)	621(92)	
<i>Morrow v. Constantini</i> (B.C.), 21704, *01 16.4.92	447(92)	950(92)
<i>Morrow v. Vegreville Federal Riding Progressive</i> <i>Conservative Association No. 23</i> (Alta.), 22654, *01 5.3.92	78(92)	628(92)
<i>Municipalité de l'Ange-Gardien c. Huot</i> (Qué.), 23213 *B	2674(92)	
<i>Municipalité de l'Ange-Gardien c. Sablière C.D.R. Inc.</i> (Qué.), 23214, *B	2674(92)	
<i>Murphy (John M.) v. Atlas Supply Company of Canada Ltd.</i> (N.S.), 22520, *05 1.4.92	897(92)	897(92)
<i>Murphy (Sharon-Leigh) v. Welsh</i> (Ont.), 22542, *03 6.2.92 2343(91)	333(92)	
<i>Murray-Audain v. Jackson</i> (Ont.), 23314, *A	2702(92)	
<i>Naika International Ltd. v. Bank of Montreal</i> (B.C.), 23165, *02 10.12.92	2303(92)	2718(92)
<i>Nanaimo Shipyard (1985) Ltd. v. MacKinnon</i> (B.C.), 23007, *02 3.9.92	1850(92)	2076(92)
<i>Nathan D. v. The Queen</i> (Crim.)(Ont.), 22665, *05 10.7.92	1894(92)	1894(92)
<i>Neable v. Martin</i> (Ont.), 23225, *A	2326(92)	
<i>Neaves v. The Queen</i> (Crim.)(N.S.), 23121, *B	2264(92)	
<i>Neill v. The Queen</i> (Alta.), 23311, *A	2652(92)	
<i>New Brunswick Public Employees Association v. The</i> <i>Queen in right of the province of New Brunswick</i> (N.B.), 23079, *02 3.12.92	2182(92)	2679(92)
<i>Niagara Air Bus Inc. v. Camerman</i> (Ont.), 22642, *02 27.2.92	2790(91)	537(92)
<i>Northern Sales Co. v. Compania Maritima</i> <i>Villa Nova S.A.</i> (F.C.A.)(Man.), 22809, *02 24.9.92	1333(92)	2089(92)
<i>Northern Telecom Ltée c. Cité de Lachine</i> (Qué.), 22818, *02 25.6.92	940(92)	1624(92)
<i>Nova Scotia Human Rights Commission v. Canada Life</i> <i>Assurance Co.</i> (N.S.), 22892, *02 1.10.92	1253(92)	2186(92)
<i>Nuosci v. The Queen</i> (Crim.)(Ont.), 22770, *01 7.5.92	614(92)	1188(92)
<i>Ogilvie Mills Ltd. v. National Transportation Agency</i>		

CUMULATIVE INDEX -  
APPLICATIONS FOR LEAVE TO  
APPEAL

INDEX CUMULATIF - REQUÊTES  
EN AUTORISATION DE POURVOI

(F.C.A.)(Ont.), 22927, *05 30.7.92	1982(92)	1982(92)
<i>Oland v. Canada Deposit Insurance Corporation</i> (Alta.), 22797, *02 30.4.92	665(92)	1078(92)
<i>Oliver v. Royal Bank of Canada</i> (Sask.), 22761, *02 16.4.92	448(92)	951(92)
<i>Olympus Optical Co. v. Canadian Olympic Association - Association olympique canadienne</i> (F.C.A.)(Ont.), 22708, *02 4.6.92	311(92)	1443(92)
<i>Oshana v. Canadian Imperial Bank of Commerce</i> (Ont.), 22958, *02 22.10.92	1920(92)	2332(92)
<i>Osolin v. The Queen</i> (Crim.)(B.C.), 22826, *03 4.6.92	774(92)	1452(92)
<i>Oxy Petrochemicals Inc. v. Beresford Packaging Inc.</i> (Ont.), 22880, *02 9.7.92	1222(92)	1790(92)
<i>Ozirny v. Schepp</i> (Sask.), 23156, *B	2518(92)	
<i>Panamericana de Bienes y Servicios v. Energy Resources Conservation Board</i> (Alta.), 22655, *02 16.1.92	3002(91)	88(92)
<i>Paquet Dutil et Assoc. Ltée c. Hervé Pomerleau Inc.</i> (Qué.), 22148, *B	259(91)	
<i>Paradis c. Ville de Vanier</i> (Qué.), 22627, *02 16.1.92	2689(91)	104(92)
<i>Parisien v. The Queen</i> (Crim.)(Qué.), 23019, *01 1.10.92	1485(92)	2187(92)
<i>Paul Magder Furs Ltd. v. Attorney General for Ontario</i> (Ont.), 22883, *02 2.7.92	1179(92)	1781(92)
<i>Paulet v. Brandon University Faculty Association</i> (Man.), 22729, *A	4(92)	
<i>Paulus v. Robinson</i> (B.C.), 23065, *01 3.12.92	2300(92)	2677(92)
<i>Pearlman v. City of Winnipeg</i> (Man.), 23008, *B	2707(92)	
<i>Pelletier c. La Reine</i> (Crim.)(Qué.), 22914, *01 24.9.92	1568(92)	2090(92)
<i>Penava v. MacIntyre</i> (Ont.), 23319, *A	2702(92)	
<i>Penner v. Danbrook</i> (Sask.), 23122, *B	2355(92)	
<i>Penteluk v. Penteluk</i> (Sask.), 22995, *01 27.8.92	1758(92)	1960(92)
<i>Perreault c. La Reine</i> (Crim.)(Qué.), 23285, *B	2704(92)	
<i>Perry v. Wylde</i> (N.S.), 22788, *02 30.4.92	534(92)	1079(92)
<i>Petrovic c. La Reine</i> (Crim.)(Qué.), 23170, *B	2661(92)	
<i>Petrovic c. La Reine</i> (Crim.)(Qué.), 23171, *B	2662(92)	
<i>Pick v. Pick</i> (Sask.), 22735, *01 5.3.92	34(92)	625(92)
<i>Placer Dome Inc. v. The Queen</i> (F.C.A.)(B.C.), 23247, *A	2535(92)	
<i>Plant v. The Queen</i> (Crim.)(Alta.), 22606, *03 6.2.92 2498(91)	338(92)	
<i>Poirier c. Ville de Mercier</i> (Qué.), 23010, *02 8.10.92	1853(92)	2272(92)
<i>Poitras c. La Reine</i> (Crim.)(Qué.), 22979, *01 23.7.92	1491(92)	1871(92)
<i>Pollington v. The Queen</i> (Ont.), 23259, *B	2540(92)	
<i>Potts (Gilbert) v. The Queen</i> (Crim.)(Alta.), 23162, *01 10.12.92	2258(92)	2726(92)
<i>Potts (William) v. The Queen</i> (Crim.)(Alta.), 23161, *01 10.12.92	2257(92)	2726(92)
<i>Poutsoungas v. The Queen</i> (Crim.)(Ont.), 22800, *01 2.4.92 531(92)	890(92)	
<i>Price Waterhouse Ltd. v. MacCulloch</i> (N.S.), 22547, *02 16.1.92	2685(91)	101(92)
<i>Promafil Canada Ltée c. Munsingwear, Inc.</i> (C.A.F.), 23238, *A	2346(92)	

<i>Quebec Association of Protestant School Boards c. Procureur général du Québec (Qué.), 22112, *A</i>	1312(91)	
<i>Quiriaux c. La Reine (Crim.)(Qué.), 22865, *01 7.5.92 886(92)</i>	1193(92)	
<i>R. v. Augustine (N.B.), 22889, *05 22.6.92</i>	2205(92)	2205(92)
<i>R. v. Baker (Crim.)(Nfld.), 23202, *B</i>	2706(92)	
<i>R. v. Belczowski (F.C.A.)(Alta.), 22962, *03 1.10.92</i>	1743(92)	2196(92)
<i>R. v. Benn (Crim.)(Alta.), 22677, *01 16.1.92</i>	2860(91)	86(92)
<i>R. v. Bernard (Crim.)(Sask.), 22930, *01 4.6.92</i>	1073(92)	1433(92)
<i>R. v. Burns (Crim.)(B.C.), 23115, *03 10.12.92</i>	2179(92)	2726(92)
<i>R. c. Callejas (Crim.)(Qué.), 23254, *B</i>	2710(92)	
<i>R. c. Charbonneau (Crim.)(Qué.), 23027, *01 8.10.92</i>	1762(92)	2271(92)
<i>R. c. Chevrier (Qué.), 23126, *A</i>	2510(92)	
<i>R. v. Davy (Crim.)(Ont.), 22808, *03 4.6.92</i>	442(92)	1448(92)
<i>R. v. Endicott (Crim.)(Alta.), 22810, *03 9.4.92</i>	445(92)	944(92)
<i>R. c. Engels (Crim.)(Qué.), 22932, *01 24.9.92</i>	1075(92)	2088(92)
<i>R. v. Finta (Crim.)(Ont.), 23023, *03 10.12.92</i>	2057(92)	2724(92)
<i>R. v. Friedberg (F.C.A.)(Ont.), 22924, *03 1.10.92</i>	1413(92)	2186(92)
<i>R. v. Grant (Crim.)(B.C.), 23075, *A</i>	2621(92)	
<i>R. v. Gulf Canada Ltd. (F.C.A.)(Ont.), 22895, *02 2.7.92</i>	1251(92)	1774(92)
<i>R v. Guttman (Crim.)(Man.), 23154, *01 10.12.92</i>	2262(92)	2732(92)
<i>R. v. Hasselwander (Crim.)(Ont.), 22725, *03 26.3.92</i>	27(92)	795(92)
<i>R. v. J.J.K. (B.C.), 22247, *A</i>	8(91)	
<i>R. v. Johnson (Crim.)(Ont.), 23217, *B</i>	2666(92)	
<i>R. v. K. (M.) (Crim.)(Man.), 23197, *03 10.12.92</i>	2538(92)	2729(92)
<i>R. v. L. (D.O.) (Crim.)(Man.), 22660, *03 6.2.92 2861(91)</i>	341(92)	
<i>R. v. Litchfield (F.C.A.)(Crim.)(Alta.), 22896, *03 4.6.92</i>	922(92)	1453(92)
<i>R. c. Lorentz-Aflalo (Crim.)(Qué.), 22597, *01 23.4.92</i>	3008(91)	956(92)
<i>R. v. MacMillan (Crim.)(Ont.), 22549, *01 10.12.92</i>	1861(92)	2723(92)
<i>R. v. Matheson (P.E.I.), 23312, *A</i>	2653(92)	
<i>R. v. Mohan (Crim.)(Ont.), 23063, *03 10.12.92</i>	2178(92)	2725(92)
<i>R. v. Native Women's Association of Canada (F.C.A.), 23253, *A</i>	2438(92)	
<i>R. v. P. (M.B.) (Crim.)(Ont.), 23088, *03 10.12.92</i>	2066(92)	2721(92)
<i>R. v. Pawlowski (Crim.)(Ont.), 22566, *01 6.2.92 2338(91)</i>	344(92)	
<i>R. v. Perreault (Crim.)(Qué.), 23191, *B</i>	2444(92)	
<i>R. v. S. M. (Crim.)(Nfld.), 22827, *01 19.3.92</i>	444(92)	732(92)
<i>R. c. Soucy (Crim.)(Qué.), 23038, *01 13.8.92</i>	1747(92)	1937(92)
<i>R. v. Stringer (Crim.)(Nfld.), 22830, *01 23.4.92</i>	658(92)	959(92)
<i>R. v. Sylliboy (Crim.)(N.S.), 21929, *A</i>	1015(90)	
<i>R. v. Thomas (Crim.)(Nfld.), 22703, *03 9.4.92</i>	2865(91)	946(92)
<i>R. c. Vaughan (Qué.), 22076, *A</i>	315(91)	
<i>R. in right of the province of New Brunswick v. Bond (N.B.), 23301, *A</i>	2535(92)	
<i>R.N.R. Transport Ltée c. Beaver Foundations Ltd. (Qué.), 23255, *A</i>	2510(92)	
<i>R.N.R. Transport Ltée c. Beaver Foundations Ltd. (Qué.), 23262, *A</i>	2511(92)	
<i>R.N.R. Transport Ltée c. Services financiers Paccar</i>		

CUMULATIVE INDEX -  
APPLICATIONS FOR LEAVE TO  
APPEAL

INDEX CUMULATIF - REQUÊTES  
EN AUTORISATION DE POURVOI

<i>Ltée</i> (Qué.), 22652, *02 6.2.92	3011(91)	330(92)
<i>Rainville c. Noël</i> (Qué.), 22558, *02 16.1.92	2688(91)	103(92)
<i>Ram v. Minister of Employment and Immigration</i> (F.C.A.)(Ont.), 18976, *05 5.8.92	1984(92)	1984(92)
<i>Raissi v. Minister of Employment and Immigration</i> (F.C.A.)(Ont.), 23173, *B	2545(92)	
<i>Reid v. Department of National Revenue</i> (F.C.A.)(Man.), 23163, *02 10.12.92	2302(92)	2718(92)
<i>Rémillard c. Bissonnette</i> (Qué.), 23148, *B	2445(92)	
<i>Rémillard c. Bourdeau</i> (Qué.), 23145, *B	2449(92)	
<i>Rémillard c. Héту</i> (Qué.), 23147, *B	2451(92)	
<i>Rémillard c. Lapierre</i> (Qué.), 23146, *B	2451(92)	
<i>Rémillard c. Legault</i> (Qué.), 23149, *B	2450(92)	
<i>Rémillard c. Leroux</i> (Qué.), 23132, *B	2446(92)	
<i>Rémillard c. Monette</i> (Qué.), 23144, *B	2452(92)	
<i>Remillard c. Paré</i> (Qué.), 23150, *B	2449(92)	
<i>Rémillard c. Robichaud</i> (Qué.), 23143, *B	2447(92)	
<i>Rémillard c. Sauvé (Daniel)</i> (Qué.), 23151, *B	2447(92)	
<i>Rémillard c. Sauvé (Gilles)</i> (Qué.), 23153, *B	2448(92)	
<i>Rémillard c. Sauvé (Michel)</i> (Qué.), 23152, *B	2445(92)	
<i>Rheaume v. Attorney General for Ontario</i> (Ont.), 22935, *01 24.9.92	1487(92)	2083(92)
<i>Rhodes v. The Queen</i> (Crim.)(Alta.), 22977, *01 16.7.92	1325(92)	1867(92)
<i>Richmond Square Development Corp. v. Commercial</i> <i>Registration Appeal Tribunal</i> (Ont.), 23086, *02 5.11.92	2184(92)	2456(92)
<i>Ripley v. Pommier</i> (N.S.), 22814, *02 18.6.92	1571(92)	1576(92)
<i>Rivas v. The Queen</i> (Crim.)(Nfld.), 23081, *01 3.9.92	1854(92)	2069(92)
<i>Roberts v. The Queen</i> (Crim.)(Ont.), 22541, *01 6.2.92 2867(91)	327(92)	
<i>Robichaud c. Société canadienne des Postes</i> (Qué.), 23269, *B	2714(92)	
<i>Robitaille v. The Queen</i> (Crim.)(B.C.), 23292, *B	2703(92)	
<i>Rosebush v. The Queen</i> (Alta.), 23288, *A	2514(92)	
<i>Rouette c. La Reine</i> ((Crim.)(Qué.), 23264, *B	2665(92)	
<i>Rousseau c. La Reine</i> (Crim.)(Qué.), 22695, *01 19.3.92	449(92)	730(92)
<i>Rowbotham v. The Queen</i> (Ont.), 23104, *A	2510(92)	
<i>Roy v. Bégin</i> (Qué.), 23124, *B	2357(92)	
<i>Royal Insurance Co. of Canada v. Kelsey-Hayes</i> <i>Canada Ltd.</i> (Ont.), 23054, *02 29.10.92	2065(92)	2360(92)
<i>Royal Insurance Co. of Canada v. The Queen</i> (B.C.), 22773, *01 4.6.92	606(92)	1449(92)
<i>Rube v. The Queen</i> (Crim.)(B.C.), 22903, *01 23.4.92	883(92)	964(92)
<i>Rudolph v. Minister of Employment and Immigration</i> (F.C.A.)(Ont.), 23068, *01 8.10.92	1925(92)	2269(92)
<i>Ruffo c. Conseil de la Magistrature</i> (Qué.), 23127, *A 2326(92)		
<i>Ruffo c. Conseil de la Magistrature</i> (Qué.), 23222, *A 2325(92)		
<i>Rumack v. The Queen</i> (Crim.)(F.C.A.)(Ont.), 22925, *02 20.8.92	1417(92)	1940(92)
<i>Rural Dignity of Canada v. Canada Post</i>		



<i>Corporation</i> (F.C.A.)(Ont.), 22905, *02 30.7.92	1330(92)	1878(92)
<i>Rural Municipality of Springfield v. Provincial Municipal Assessor</i> (Man.), 22857, *02 25.6.92	1174(92)	1619(92)
<i>S. (Guy) v. The Queen</i> (Crim.)(Ont.), 22762, *01 30.1.92	59(92)	251(92)
<i>S. G. Combustion Products Ltd. v. Francis Fuels Ltd.</i> (Ont.), 22858, *02 23.7.92	1224(92)	1934(92)
<i>Saddleback v. The Queen</i> (Crim.)(Alta.), 23111, *B	2181(92)	
<i>Sadlon v. The Queen</i> (Crim.)(Ont.), 22992, *02 19.11.92	2261(92)	2550(92)
<i>Saint John Shipbuilding Ltd. c. Groupe Mil Inc.</i> (Qué.), 22696, *02 4.6.92	58(92)	1442(92)
<i>Salamon v. R. in Right of Canada</i> (Alta.), 22639, *02 16.1.92	2776(91)	98(92)
<i>Salamon v. The Queen</i> (F.C.A.)(Ont.), 22798, *01 23.4.92	527(92)	957(92)
<i>Sandrasegarampillai c. La Reine</i> (Qué.), 23324, *A	2702(92)	
<i>Saskatchewan Registered Nurses' Association v. Swanson</i> (Sask.), 23048, *02 22.10.92	1922(92)	2333(92)
<i>Sauvé c. La Reine</i> (Crim.)(Qué.), 22941, *B	2669(92)	
<i>Savard c. La Reine</i> (Crim.)(Qué.), 23120, *01 19.11.92	2263(92)	2553(92)
<i>Save the Bulkley Society v. Alcan Aluminium Ltd.</i> (F.C.A.)(B.C.), 23130, *B	2440(92)	
<i>Sawan v. The Queen</i> (Crim.)(Alta.), 23190, *B	2538(92)	
<i>Sawyer v. The Queen</i> (Crim.)(Ont.), 22755, *03 6.2.92 52(92)	349(92)	
<i>Schmidt v. Air Products Canada Ltd.</i> (Alta.), 23057, *03 10.12.92	1926(92)	2730(92)
<i>Schultz v. The Queen</i> (Crim.)(B.C.), 22844, *01 14.5.92	604(92)	1226(92)
<i>Selig v. The Queen</i> (Crim.)(N.S.), 22968, *01 16.7.92	1324(92)	1866(92)
<i>Shanks v. McNee</i> (B.C.), 22863, *03 1.10.92	1175(92)	2192(92)
<i>Shell Canada Products Ltd. v. City of Vancouver</i> (B.C.), 22789, *03 4.6.92	661(92)	1438(92)
<i>Sheridan v. The Queen</i> (Crim.)(Ont.), 22994, *01 23.7.92	1484(92)	1869(92)
<i>Shinkaruk v. Toronto-Dominion Bank</i> (Sask.), 22271, *02 23.7.92	1492(92)	1872(92)
<i>Shirley v. The Queen</i> (Ont.), 21294, *A	10(89)	
<i>Sicotte c. La Reine</i> (Crim.)(Qué.), 22590, *01 6.2.92 2866(91)	326(92)	
<i>Sie-Mac Pipeline Contractors Ltd. v. The Queen</i> (F.C.A.)(Alta.), 22775, *03 26.3.92	526(92)	793(92)
<i>Simon c. Municipalité d'Oka</i> (Qué.), 22751, *02 2.4.92 305(92)	887(92)	
<i>Sinclair v. The Queen</i> (Ont.), 23316, *A	2702(92)	
<i>Singh (Bakshish) v. Minister of Employment and Immigration</i> (F.C.A.)(Ont.), 18684, *05 5.8.92	1983(92)	1983(92)
<i>Singh (Gurcharan) v. Minister of Employment and Immigration</i> (F.C.A.)(Ont.), 18513, *05 5.8.92	1983(92)	1983(92)
<i>Singh (Navtej) v. Minister of Employment and Immigration</i> (F.C.A.)(Ont.), 17980, *05 5.8.92	1983(92)	1983(92)
<i>Singh (Santokh) v. Minister of Employment and Immigration</i> (F.C.A.)(Ont.), 18711, *05 5.8.92	1984(92)	1984(92)
<i>Skirzyk v. Crawford</i> (Man.), 22658, *02 13.2.92	75(92)	378(92)

<i>Slattery v. Doane Raymond Ltd.</i> (N.B.), 22618, *03 4.6.92	3007(91)	1435(92)
<i>Smith (Delia Odele) v. Cumis Life Insurance Co.</i> (Sask.), 22991, *02 3.9.92	1760(92)	2072(92)
<i>Smith (Raymond Leslie) v. The Queen</i> (Crim.)(Alta.), 22740, *01 6.2.92	51(92)	319(92)
<i>Société canadienne de métaux Reynolds, Ltée c.</i> <i>Société québécoise d'assainissement des eaux</i> (Qué.), 23044, *02 10.12.92	1923(92)	2724(92)
<i>Société de transport de la communauté urbaine de Montréal c.</i> <i>Chaput</i> (Qué.), 23265, *B	2713(92)	
<i>Solid Resources Ltd. v. Doolaeghe</i> (Alta.), 23078, *02 8.10.92	2050(92)	2269(92)
<i>Sous-ministre du revenu du Québec c. Larouche</i> (Qué.), 23206, *B	2663(92)	
<i>South Nation River Conservation Authority v. Auto</i> <i>Concrete Curb Ltd.</i> (Ont.), 23090, *03 10.12.92	2328(92)	2728(92)
<i>Speid v. The Queen</i> (Crim.)(Ont.), 22878, *01 7.5.92 722(92)	1192(92)	
<i>St. Cyr v. The Queen</i> (Crim.)(Alta.), 20986, *05 29.1.92	259(92)	259(92)
<i>Standard Trust Co. v. Corporation of the City of Nepean</i> (Ont.), 23250, *B	2672(92)	
<i>Starr v. Star</i> (Qué.), 22544, *02 6.2.92	2789(91)	325(92)
<i>Steinbach Credit Union Ltd. v. Manitoba Agricultural</i> <i>Credit Corporation</i> (Man.), 22782, *02 16.4.92	530(92)	953(92)
<i>Sterling v. Varcoe</i> (Crim.)(Ont.), 23183, *02 3.12.92	2349(92)	2678(92)
<i>Stoddard v. Watson</i> (Ont.), 22601, *03 6.2.92	2373(91)	334(92)
<i>Stojak c. Proulx</i> (Qué.), 23226, *A	2326(92)	
<i>Superintendent of Brokers v. Pezim</i> (B.C.), 23107, *B 2516(92)		
<i>Sussex Realty Corporation v. Begusic</i> (B.C.), 22704, *02 20.2.92	39(92)	460(92)
<i>Sweeney v. The Queen</i> (Crim.)(B.C.), 23166, *01 10.12.92	2443(92)	2719(92)
<i>Swietlinski v. Attorney General of Ontario</i> (Crim.)(Ont.), 23100, *B	2666(92)	
<i>Swinamer v. Attorney General of Nova Scotia</i> (N.S.), 22915, *03 1.10.92	1327(92)	2193(92)
<i>Symes v. The Queen</i> (F.C.A.), 22659, *03 26.3.92	3006(91)	794(92)
<i>Syndicat de l'enseignement de Champlain c. Commission</i> <i>scolaire régionale de Chambly</i> (Qué.), 23188, *B	2543(92)	
<i>Syndicat démocratique des salariés de la scierie</i> <i>Leduc c. Daishowa Inc.</i> (Qué.), 22693, *02 9.4.92	57(92)	948(92)
<i>Syndicat des employées et employés professionnells-les et de</i> <i>bureau Section locale 57 c. Fortier</i> (Qué.), 23257, *A	2510(92)	
<i>Syndicat des employés du Centre de services</i> <i>sociaux Ville-Marie c. Gagnon</i> (Qué.), 22613, *02 16.1.92	2686(91)	102(92)
<i>Syndicat des enseignants des Vieilles-Forges c.</i> <i>Commission scolaire régionale des Vieilles-Forges</i> (Qué.), 23140, *B	2358(92)	
<i>Syndicat général du cinéma et de la télévision c.</i> <i>National Film Board</i> (C.A.F.)(Qué.), 22967, *02 3.9.92	1757(92)	2071(92)

<i>Szep v. Smyth</i> (B.C.), 22913, *02 20.8.92	1744(92)	1942(92)
<i>T. Eaton Co. v. Prince</i> (B.C.), 23207, *A	2296(92)	
<i>T.F.G. v. The Queen</i> (Crim.)(Ont.), 23179, *B	2329(92)	
<i>TRW Inc. v. Walbar of Canada Inc.</i> (F.C.A.)(Ont.), 22767, *02 25.6.92	933(92)	1623(92)
<i>Tam c. The Queen</i> (Qué.), 23299, *A	2621(92)	
<i>Tapaquon v. The Queen</i> (Crim.)(Sask.), 22926, *03 4.6.92	1072(92)	1441(92)
<i>Tarantino v. Franczak</i> (Ont.), 22868, *02 25.6.92	1180(92)	1621(92)
<i>Tardi c. Banque National du Canada</i> (Qué.), 22986, *02 20.8.92	1764(92)	1939(92)
<i>Tardi c. Caisse populaire d'Outremont</i> (Qué.), 22647, *02 16.1.92	3001(91)	87(92)
<i>Tardi c. Caisse populaire d'Outremont</i> (Qué.), 23290, *A	2535(92)	
<i>Tardi c. Lebel</i> (Qué.), 22985, *02 20.8.92	1765(92)	1938(92)
<i>Taylor v. The Queen in right of the United Kingdom of Great Britain</i> (Crim.)(Ont.), 22686, *01 16.1.92	2772(91)	84(92)
<i>Technisol Inc. c. Dubeau</i> (Qué.), 22623, *02 16.1.92	2690(91)	105(92)
<i>Tecksol Inc. c. Procureur général du Canada</i> (C.A.F.)(Qué.), 23203, *B	2667(92)	
<i>Téléphone Guévrement Inc. c. Régie des Télécommunications du Québec</i> (Qué.), 22920, *02 13.8.92	1331(92)	1935(92)
<i>Téléphone Guévrement Inc. c. Régie des Télécommunications du Québec</i> (Qué.), 22921, *02 13.8.92	1332(92)	1936(92)
<i>Teresinski v. The Queen</i> (Crim.)(Ont.), 22939, *01 2.7.92	1217(92)	1773(92)
<i>Thibault c. Corporation professionnelle des médecins du Québec</i> (Qué.), 23243, *A	2346(92)	
<i>Thomas Equipment Ltd. v. Kavanaugh</i> (N.B.), 22886, *02 2.7.92 1255(92)	1783(92)	
<i>Tobin v. The Queen</i> (Crim.)(Ont.), 23296, *A	2652(92)	
<i>Toneguzzo-Norvel v. Savein</i> (B.C.), 23195, *B	2654(92)	
<i>Toronto General Hospital v. Ontario Nurses' Association</i> (Ont.), 22907, *02 9.7.92	1415(92)	1791(92)
<i>Touche Ross &amp; Co. v. The Queen in right of the province of British Columbia</i> (Crim.)(B.C.), 23267, *A	2621(92)	
<i>Traders General Insurance Co. v. Beausoleil</i> (Ont.), 23138, *B	2354(92)	
<i>Tran v. The Queen</i> (N.S.), 23224, *A	2325(92)	
<i>Triathlon Leasing Inc. v. Canadian Commercial Bank (Ont.)</i> , 23101, *02 3.12.92	2298(92)	2677(92)
<i>Trzop v. The Queen</i> (F.C.A.), 23283, *A	2513(92)	
<i>Trzop v. The Queen</i> (F.C.A.), 23284, *A	2513(92)	
<i>Tsashaht, an Indian Band v. The Queen in right of the Province of British Columbia</i> (B.C.), 23234, *A	2345(92)	
<i>Tucker v. The Queen</i> (Crim.)(Ont.), 22554, *01 28.5.92	938(92)	1344(92)
<i>Tucker v. The Queen</i> (Crim.)(Ont.), 22555, *01 28.5.92	939(92)	1345(92)
<i>Tucker v. The Queen</i> (Crim.)(Ont.), 23221, *B	2657(92)	
<i>Turner v. The Queen</i> (F.C.A.)(B.C.), 22681, *01 13.2.92	64(92)	377(92)

<i>Turner v. The Queen</i> (F.C.A.)(B.C.), 23236, *B	2540(92)	
<i>Turner v. The Queen</i> (F.C.A.)(B.C.), 23237, *B	2541(92)	
<i>Union des municipalités régionales de comté et des municipalités locales du Québec Inc. c. Syndicat des travailleuses et des travailleurs de Hilton Québec (CSN)</i> (Qué.), 23092, *02 10.12.92	2053(92)	2719(92)
<i>United States of America v. Lepine</i> (Crim.)(Ont.), 23125, *B	2443(92)	
<i>V.L.P. v. The Queen</i> (Crim.)(Ont.), 22794, *03 26.3.92	294(92)	791(92)
<i>Vaillancourt v. Attorney General for the province of Ontario</i> (Crim.)(Ont.), 22922, *01 16.6.92	1455(92)	1573(92)
<i>Valentin c. Ministre de l'emploi et de l'immigration du Canada</i> (C.A.F.)(Qué.), 22688, *01 5.3.92 29(92)	623(92)	
<i>Valmet-Montreal Inc. v. Beloit Canada Ltée</i> (F.C.A.)(Ont.), 22673, *02 19.3.92	69(92)	725(92)
<i>Valmet-Montreal Inc. v. Beloit Corporation</i> (F.C.A.)(Ont.), 22671, *02 19.3.92	67(92)	727(92)
<i>Van Maarion v. The Queen</i> (Crim.)(Alta.), 22611, *01 16.1.92	89(92)	89(92)
<i>Varga v. Bunce</i> (Sask.), 22604, *02 16.1.92	2680(91)	93(92)
<i>Verret c. Confédération des Syndicats Nationaux</i> (Qué.), 23016, *02 19.11.92	1858(92)	2551(92)
<i>Verret c. Syndicat des travailleuses, travailleurs de la CSN</i> (Qué.), 23018, *02 19.11.92	1859(92)	2551(92)
<i>Via Rail Canada Inc. v. Smith</i> (Ont.), 22820, *02 28.5.92	777(92)	1342(92)
<i>Vigeant c. La Reine</i> (Crim.)(Qué.), 22712, *01 20.2.92	79(92)	468(92)
<i>Vigeant c. La Reine</i> (Crim.)(Qué.), 22713, *01 28.5.92	1223(92)	1335(92)
<i>Vokes v. Vokes</i> (Ont.), 22628, *01 16.1.92	2683(91)	96(92)
<i>Volker Stevin Contracting Ltd. v. Canadian National Railway Co.</i> (Alta.), 22805, *05 12.2.92	13(92)	385(92)
<i>Wagner (Frederick) v. Bank of Montreal</i> (Ont.), 22743, *02 26.3.92	301(92)	785(92)
<i>Wagner (Grant) v. Wagner</i> (B.C.), 22815, *02 28.5.92	778(92)	1343(92)
<i>Walz v. Hayre</i> (B.C.), 23043, *B	2301(92)	
<i>Waryk v. Bank of Montreal</i> (B.C.), 22769, *02 7.5.92 671(92)	1191(92)	
<i>Webb v. Ernst</i> (Man.), 22848, *02 25.6.92	1172(92)	1618(92)
<i>Webster (Arthur Garfield) v. The Queen</i> (Crim.)(P.E.I.), 23051, *01 5.11.92	2063(92)	2454(92)
<i>Webster (Herbert Raymond) v. British Columbia Hydro and Power Authority</i> (B.C.), 23085, *A	2652(92)	
<i>Whitwell v. The Queen</i> (Crim.)(Alta.), 22781, *01 10.12.92	2442(92)	2719(92)
<i>Williams v. The Queen</i> (Crim.)(Ont.), 23164, *B	2329(92)	
<i>Willick v. Willick</i> (Sask.), 23141, *B	2354(92)	
<i>Willmor Discount Corporation c. Ville de Vaudreuil</i> (Qué.), 23220, *B	2705(92)	
<i>Winsor v. Winsor</i> (Ont.), 23129, *02 19.11.92	2260(92)	2549(92)
<i>Winters v. The Queen</i> (Crim.)(Alta.), 22839, *01 16.4.92	607(92)	954(92)

CUMULATIVE INDEX -  
 APPLICATIONS FOR LEAVE TO  
 APPEAL

INDEX CUMULATIF - REQUÊTES  
 EN AUTORISATION DE POURVOI

---

<i>Witter v. Municipality of the County of Kings</i> (N.S.), 22862, *02 20.8.92	1418(92)	1941(92)
<i>Wong v. The Queen</i> (Crim.)(B.C.), 23062, *01 27.8.92	1845(92)	1953(92)
<i>Wood v. The Queen</i> (Crim.)(Alta.), 22998, *01 24.9.92	1483(92)	2081(92)
<i>Wright (Douglas A.) v. Westfair Foods Ltd.</i> (Alta.), 23209, *B	2656(92)	
<i>Wright (Melvin Wayne) v. Davidson</i> (B.C.), 23039, *02 10.12.92	1910(92)	2730(92)
<i>Wustefeld v. The Queen</i> (F.C.A.)(Ont.), 22850, *02 4.6.92	935(92)	1432(92)
<i>Yaeck v. The Queen</i> (Crim.)(Ont.), 22821, *01 23.4.92	605(92)	962(92)
<i>Yarema v. The Queen</i> (Crim.)(Ont.), 22836, *01 2.4.92	532(92)	891(92)
<i>Young v. The Queen</i> (Ont.), 23251, *A	2438(92)	
<i>Zaharov v. The Queen</i> (Ont.), 23303, *A	2536(92)	
<i>Zeitel v. Ellscheid</i> (Ont.), 22792, *03 4.6.92	659(92)	1450(92)
<i>Zlatic v. Stannell</i> (Ont.), 22793, *A	2621(92)	
<i>Zubi v. The Queen</i> (Crim.)(Ont.), 22923, *01 4.6.92	1074(92)	1434(92)

This index includes appeals standing for judgment at the beginning of 1992 and all appeals heard in 1992 up to now.

Cet index comprend les pourvois en délibéré au début de 1992 et tous ceux entendus en 1992 jusqu'à maintenant.

- \*01 dismissed/rejeté
- \*02 dismissed with costs/rejeté avec dépens
- \*03 allowed/accueilli
- \*04 allowed with costs/accueilli avec dépens
- \*05 discontinuance/désistement

CASE/AFFAIRE	Audition	Page	Jugen
<i>A.G.W. v. The Queen</i> (Crim.)(P.E.I.), 22856, *01 3.11.92	2466(92)	2466(92)	
<i>Arnold v. The Queen</i> (N.S.), 22467, *01 Sopinka J. dissenting 11.6.92	2725(91)	1515(92)	
<i>Atkinson (Ernest G.) v. The Queen</i> (Crim.)(Ont.), 22738, *01 2.11.92	2466(92)	2529(92)	
<i>Atkinson (George W.) v. The Queen</i> (Crim.)(Ont.), 22691, *01 2.11.92	2466(92)	2529(92)	
<i>Attorney General of Alberta v. Attorney General of Canada</i> (Alta.), 22664, *01 25.6.92	546(92)	1639(92)	
<i>Attorney General of Canada v. Attorney General of Alberta</i> (Alta.), 22635, *03 25.6.92	546(92)	1639(92)	
<i>Attorney General of Canada v. Attorney General of Manitoba</i> (Man.), 18606, no formal order, reasons only 23.1.92	2360(91)	145(92)	
<i>Attorney General of Canada v. Public Service Alliance of Canada</i> (F.C.A.)(Ont.), 22295	2561(92)		
<i>Attorney General of Quebec v. Pearson</i> (Crim.)(Qué.), 22173, *03 19.11.92	1362(92)	2567(92)	
<i>BG Checo International Ltd. v. British Columbia Hydro and Power Authority</i> (B.C.), 21955	262(92)		
<i>Babinski v. The Queen</i> (Crim.)(Ont.), 22622, *01 4.11.92	2468(92)	2468(92)	
<i>Bain v. The Queen</i> (Crim.)(Ont.), 21401, *03 Gonthier, McLachlin and Iacobucci JJ. dissenting 23.1.92	1686(91)	143(92)	
<i>Bank of Montreal c. Commission Hydroélectrique du Québec</i> (Qué.), 21748, allowed in part 25.6.92	684(92)	1645(92)	
<i>Barbeau c. La Reine</i> (Qué.), 22341, *01 27.8.92	1093(92)	1987(92)	
<i>Barrette c. Héritiers de feu H. Roy Crabtree</i> (Qué.), 22505	2690(92)		
<i>Bennett v. The Queen</i> (Crim.)(Ont.), 22532, *01 5.6.92	1514(92)	1592(92)	
<i>Benson v. The Queen</i> (Crim.)(N.S.), 22811	2275(92)		
<i>Bovey v. Corporation of the Town of Gananoque</i> (Ont.), 22016, *02 6.5.92	1205(92)	1585(92)	
<i>Brissette v. Westbury Life Insurance Co.</i> (Ont.), 22125, *02 Gonthier and Cory JJ. dissenting 29.10.92	550(92)	2367(92)	
<i>British Columbia Hydro and Power Authority v. BG Checo International Ltd.</i> (B.C.), 21939	262(92)		
<i>Butler v. The Queen</i> (Crim.)(Man.), 22191, *03 27.2.92	1403(91)	552(92)	
<i>CIP Inc. v. The Queen</i> (Crim.)(Ont.), 22025, *01 9.4.92	1687(91)	991(92)	
<i>Canada Mortgage and Housing Corporation v. Hongkong Bank of Canada</i> (Alta.), 22268	362(92)		

<i>Canadian Council of Churches v. The Queen</i> (F.C.A.)(Ont.), 21946, *01 23.1.92	2388(91)	146(92)
<i>Canadian Human Rights Commission v. Department of Secretary of State</i> (F.C.A.)(Ont.), 22145	1471(92)	
<i>Canadian Imperial Bank of Commerce v. Pax Management Ltd.</i> (B.C.), 22194, *03 24.9.92	812(92)	2127(92)
<i>Canadian Union of Public Employees -- C.L.C. Ontario Hydro Employees Union Local 1000 v. Ontario Labour Relations Board</i> (Ont.), 22387	2530(92)	
<i>Chevrette c. Imbeault-Lapointe</i> (Qué.), 21697, *03 13.2.92	2285(91)	391(92)
<i>Ciarlariello v. Keller</i> (Ont.), 22343	2689(92)	
<i>Ciba-Geigy Canada Ltd. v. Novopharm Ltd.</i> (Ont.), 22251, *04 29.10.92	898(92)	2367(92)
<i>Clunas v. The Queen</i> (Crim.)(Ont.), 22320, *01 27.2.92	2727(91)	556(92)
<i>Comeau c. La Reine</i> (Crim.)(Qué.), *01 13.11.92	2563(92)	2563(92)
<i>Commission des Affaires Sociales c. Tremblay</i> (Qué.), 21651, *02 27.2.92	551(92)	637(92)
<i>Compagnie Trust Royal c. Garcia Transport Ltée</i> (Qué.), 21935, *03 25.6.92	547(92)	1644(92)
<i>Competition Trigunal v. Chrysler Canada Ltd.</i> (F.C.A.)(Ont.), 22151, *03 McLachlin J. dissenting 25.6.92	361(92)	1638(92)
<i>Côté c. La Reine</i> (Qué.), 22360, *01 29.4.92	1090(92)	1090(92)
<i>Cunningham v. The Queen</i> (Crim.)(Ont.), 22451 Appeal adjourned / Pourvoi ajourné	2468(92)	
<i>D.A.Z. v. The Queen</i> (Crim.)(Alta.), 22620, *01 Gonthier and Iacobucci JJ. dissenting 24.9.92	1517(92)	2129(92)
<i>Dayco (Canada) Ltd. v. National Automobile, Aerospace and Agricultural Implement Workers' Union of Canada (CAW-CANADA)</i> (Ont.), 22180	1243(92)	
<i>Dehghani v. Minister of Employment and Immigration</i> (Ont.), 22153	2692(92)	
<i>Deslongchamps c. La Reine</i> (Qué.), 22730, *01 29.4.92	1091(92)	1091(92)
<i>Desousa v. The Queen</i> (Crim.)(Ont.), 22231, *01 24.9.92	3046(91)	2125(92)
<i>Dickason v. Governors of the University of Alberta</i> (Alta.), 22700, *01 L'Heureux-Dubé, Sopinka and McLachlin JJ. dissenting 24.9.92	1209(92)	2128(92)
<i>Director of Investigation and Research v. Chrysler Canada Ltd.</i> (F.C.A.)(Ont.), 22152, *03 McLachlin J. dissenting 25.6.92	361(92)	1638(92)
<i>Donahoe v. Canadian Broadcasting Corporation</i> (N.S.), 22457	640(92)	
<i>Downey v. The Queen</i> (Crim.)(Alta.), 21874, *01 La Forest, McLachlin and Iacobucci JJ. dissenting 21.5.92	2638(91)	1267(92)
<i>Dufresne c. La Reine</i> (Qué.), 22357, *01 29.4.92	1090(92)	1090(92)
<i>Duncanson v. The Queen</i> (Crim.)(Sask.), 22644, *01 30.3.92	901(92)	901(92)
<i>Egger v. The Queen</i> (Crim.)(Alta.), 22816	2317(92)	
<i>Engel v. Kam-Ppelle Holdings Ltd.</i> (Sask.), 21970	2320(92)	
<i>Fédération provinciale des comités de parents c. Procureur général du Manitoba</i> (Man.), 21836	2692(92)	
<i>Forster v. The Queen</i> (Crim.)(Alta.), 21624, *03 L'Heureux-Dubé J. dissenting 13.2.92	1402(91)	387(92)
<i>Généreux c. La Reine</i> (C.A.F.)(Crim.)(Qué.), 22103, *03 L'Heureux-Dubé J. dissenting 13.2.92	1402(91)	389(92)
<i>Giroux c. Caisse populaire de Maniwaki</i> (Qué.), 22608	2318(92)	
<i>Gossett c. La Reine</i> (Crim.)(Qué.), 22523	1203(92)	
<i>Great Lakes Towing Co. c. MV "Peter A.B. Widener"</i>		

(C.A.F.)(Qué.), 21885	1359(92)	
<i>Great Lakes Towing Co. c. Owners &amp; Operators of the MV "Rhone" (C.A.F.)(Qué.), 21886</i>	1359(92)	
<i>Greenbaum v. The Queen (Crim.)(Ont.), 22506</i>	2738(92)	
<i>Guthrie v. The Queen (Crim.)(Alta.), 22371, *01 16.6.92</i>	1595(92)	1595(92)
<i>Hall v. Hébert (B.C.), 22399</i>	2275(92)	
<i>Hawkins v. The Queen (Crim.)(Ont.), 22952, *01 2.11.92</i>	2465(92)	2465(92)
<i>Hofer v. Wollmann (Man.), 22382, *03 McLachlin J. dissenting 29.10.92</i>	1204(92)	2368(92)
<i>Hôpital Le Gardeur c. Imbeault-Lapointe (Qué.), 21698, *03 13.2.92</i>	2285(91)	391(92)
<i>Hunt v. Lac D'Amiante du Québec Ltée (B.C.), 22637</i>	2277(92)	
<i>Hundal v. The Queen (rehearing)(Crim.)(B.C.), 22358</i>	265(92)	
<i>Idziak v. Minister of Justice (Crim.)(Ont.), 21845, *01 19.11.92</i>	1357(92)	2565(92)
<i>In the matter of a reference by the Governor in Council concerning certain language rights under section 23 of the Manitoba Act, 1870 (Man.), 18606, no formal order, reasons only 23.1.92</i>	2360(91)	145(92)
<i>In the matter of a reference by the Governor in Council concerning whether the conviction of David Milgaard constitutes a miscarriage of Justice et al. (Crim.)(Sask.), 22732, 14.4.92</i>	686(92)	992(92)
<i>International Alliance of Theatrical Stage Employees v. Canadian Union of Public Employees (Ont.), 22061, dismissed with reasons to follow 7.5.92</i>	1210(92)	1270(92)
<i>Juneau c. La Reine (Qué.), 22666, *01 29.4.92</i>	1091(92)	1091(92)
<i>Kelly v. The Queen (Crim.)(B.C.), 21719, *01 Sopinka J. dissenting 11.6.92</i>	2528(91)	1515(92)
<i>Kourteassis v. Minister of National Revenue (Crim.)(B.C.), 21645</i>	365(92)	
<i>Laberge c. La Reine (Qué.), 22356, *01 29.4.92</i>	1090(92)	1090(92)
<i>Lavigne c. La Reine (Qué.), 22361, *01 29.4.92</i>	1090(92)	1090(92)
<i>Lefebvre v. HOJ Industries Ltd. (Ont.), 21586, *03 30.4.92</i>	642(92)	1096(92)
<i>Life Underwriters Association of Canada v. Provincial Association of Quebec Life Underwriters (C.A.F.)(Qué.), 22109, *04 26.2.92</i>	548(92)	548(92)
<i>Liquidator of Canadian Commercial Bank v. Bank of Canada (Alta.), 22459, *01 6.5.92</i>	1206(92)	1586(92)
<i>Loewen Ondaatje, McCutcheon &amp; Co. c. Sparling (Qué.), 22131, *02 29.10.92</i>	1361(92)	2369(92)
<i>Lohnes v. The Queen (Crim.)(N.S.), 22278, *03 23.1.92</i>	2637(91)	146(92)
<i>London Drugs Ltd. v. Brassart (B.C.), 21980, *02 La Forest J. dissenting on the cross-appeal 29.10.92</i>	2524(91)	2366(92)
<i>M.A.J. v. The Queen (Crim.)(Ont.), 22531, *01 5.6.92</i>	1513(92)	1590(92)
<i>M. (K.) v. M. (H.) (Ont.), 21763, *03 29.10.92</i>	2724(91)	2367(92)
<i>M. (M.E.) c. L. (P.) (Qué.), 21387, *03 23.1.92</i>	2284(91)	145(92)
<i>Machtinger v. HOJ Industries Ltd. (Ont.), 21586, *03 30.4.92</i>	642(92)	1096(92)
<i>MacKenzie v. The Queen (Crim.)(N.S.), 22423</i>	990(92)	
<i>Martin v. The Queen (Crim.)(Ont.), 22336, *01 30.3.92</i>	899(92)	899(92)
<i>McInerney v. MacDonald (N.B.), 21899, *01 11.6.92</i>	364(92)	1517(92)
<i>Mellenthin v. The Queen (Crim.)(Alta.), 22508, *03 19.11.92</i>	1469(92)	2568(92)
<i>Métropolitaine, compagnie d'assurance-vie c. Frenette (Qué.), 21765, *03 12.3.92</i>	2643(91)	687(92)



<i>Minister of Employment and Immigration v. Chiarelli</i> (F.C.A.)(Ont.), 21920, *03 26.3.92	2523(91)	814(92)
<i>Minister of Finance of Canada v. Finlay</i> (F.C.A.)(Man.), 22162 a re-hearing is ordered/Une nouvelle audition est ordonnée 5.10.92	807(92)	2366(92)
<i>Moge v. Moge</i> (Man.), 21979	904(92)	
<i>Moore v. The Queen</i> (Crim.)(P.E.I.), 22169, *01 28.2.92	638(92)	638(92)
<i>Morin (Claude) v. The Queen</i> (Crim.)(Ont.), 22812, *01 2.11.92	2465(92)	2465(92)
<i>Morin (Darlene) v. The Queen</i> (Crim.)(Ont.), 21996, *01 Lamer C.J. dissenting 26.3.92	2279(91)	814(92)
<i>Morin (Kevin Martie) v. The Queen</i> (Crim.)(Alta.), 22530, *03 and acquittal restored 30.1.92	266(92)	2369(92)
<i>Murdock v. The Queen</i> (Crim.)(Ont.), 22632, *01 4.6.92	1473(92)	1589(92)
<i>Neverson c. La Reine</i> (Qué.), 22587, *01 30.4.92	1094(92)	1583(92)
<i>Newfoundland Co. v. Board of Commissioners of Public Utilities</i> (Nfld.), 22060, *03 5.3.92	2645(91)	644(92)
<i>Norberg v. Wynrib</i> (B.C.), 21924, *04 18.6.92	1611(91)	1596(92)
<i>Norsk Pacific Steamship Co. v. Canadian National Railway Co.</i> (F.C.A.)(B.C.), 21838, *02 La Forest, Sopinka and Iacobucci JJ. dissenting 30.4.92	1074(91)	1095(92)
<i>Nova Scotia Pharmaceutical Society v. The Queen in right of Canada</i> (Crim.)(N.S.), 22473, *01 9.7.92	2965(91)	1809(92)
<i>Novopharm Ltd. v. Apotex Inc.</i> (Ont.), 22252, *04 29.10.92	898(92)	2367(92)
<i>Ontario Human Rights Commission v. Zurich Insurance Co.</i> (Ont.), 21737, *02 L'Heureux-Dubé and McLachlin JJ. dissenting 25.6.92	2641(91)	1637(92)
<i>Ontario Hydro v. Ontario Labour Relations Board</i> (Ont.), 22355	2530(92)	
<i>Pasini c. La Reine</i> (Qué.), 22363, *01 29.4.92	1090(92)	1090(92)
<i>Peter v. Beblow</i> (B.C.), 22258	2561(92)	
<i>Plant v. The Queen</i> (Crim.)(Alta.), 22606	2470(92)	
<i>Price Waterhouse Ltd. v. The Queen in right of Alberta</i> (Alta.), 22084, *02 19.11.92	906(92)	2565(92)
<i>Procureur général du Québec c. Pearson</i> (Qué.), 22173, *03 19.11.92	1362(92)	2567(92)
<i>Procureur général du Québec c. Sinclair</i> (Qué.), 21762, *01 27.2.92	2521(91)	554(92)
<i>Procureur général du Québec c. Transport G. Courchesne Inc.</i> (Qué.), 22242, *03 28.2.92	639(92)	639(92)
<i>Queen (Douglas) v. Cognos Inc.</i> (Ont.), 22004	263(92)	
<i>R. v. B.A.W.</i> (Crim.)(Ont.), 22649, *03 4.12.92	2738(92)	2738(92)
<i>R. c. Baron</i> (C.A.F.)(Qué.), 22298	365(92)	
<i>R. c. C.N.</i> (Crim.)(Qué.), 22450, *03 13.11.92	2562(92)	2562(92)
<i>R. v. Cooper</i> (Crim.)(Nfld.), 22395	2276(92)	
<i>R. v. Deruelle</i> (Crim.)(N.S.), 22305, *03 9.7.92	1202(92)	1812(92)
<i>R. v. Ellis-Don Ltd.</i> (Crim.)(Ont.), 22297, *03 31.3.92	902(92)	902(92)
<i>R. v. Ewert</i> (Crim.)(B.C.), 22765, *03 14.10.92	2319(92)	2319(92)
<i>R. v. Finlay</i> (Crim.)(Sask.), 22596	2321(92)	
<i>R. v. Green</i> (Crim.)(N.S.), 22277, *01 27.2.92	386(92)	556(92)
<i>R. v. K.G.B.</i> (Crim.)(Ont.), 22351	2278(92)	
<i>R. v. Kearney</i> (Crim.)(N.B.), 22916, *03 1.12.92	2690(92)	2690(92)
<i>R. c. Lebeau</i> (Crim.)(Qué.), 22702, *01 6.11.92	2529(92)	2529(92)
<i>R. v. Milne</i> (Crim.)(Alta.), 22161, *03 26.3.92	2639(91)	817(92)
<i>R. c. Morales</i> (Crim.)(Qué.), 22404, *03 19.11.92	1363(92)	2565(92)

<i>R. v. Parks</i> (Crim.)(Ont.), 22073, *01 Lamer C.J. and Cory J. dissenting in part 27.8.92	261(92)	1987(92)
<i>R. v. R. W.</i> (Crim.)(Ont.), 21820, *03 11.6.92	907(92)	1516(92)
<i>R. v. Schachter</i> (F.C.A.)(Ont.), 21889, *03 9.7.92	3042(91)	1811(92)
<i>R. v. Smith</i> (Crim.)(Ont.), 22281, *01 27.8.92	1594(92)	1988(92)
<i>R. v. Stephen D.</i> (Crim.)(Ont.), 22563, *03 4.6.92	1472(92)	1587(92)
<i>R. v. Thomson</i> (F.C.A.)(Ont.), 22020, *03 L'Heureux-Dubé J. dissenting 13.2.92	2522(91)	392(92)
<i>R. v. Victoria T.</i> (Crim.)(B.C.), 22413, *03 26.3.92	264(92)	818(92)
<i>R. v. W.H.M.</i> (Crim.)(P.E.I.), 22285, *01 27.4.92	1086(92)	1086(92)
<i>R. in Right of Alberta v. Friends of the Old Man River Society</i> (F.C.A.)(Alta.), 21890, *01 Stevenson J. dissenting 23.1.92	476(91)	142(92)
<i>Regional Municipality of Peel v. The Queen in Right of Canada</i> (F.C.A.)(Ont.), 21342, *01 19.11.92	1470(92)	2568(92)
<i>Regional Municipality of Peel v. The Queen in Right of Canada</i> (F.C.A.)(Ont.), 22301, *01 19.11.92	1470(92)	2568(92)
<i>Renaud v. Board of School Trustees, School District No. 23 (Central Okanagan)</i> (B.C.), 21682, *03 24.9.92	809(92)	2126(92)
<i>Rube v. The Queen</i> (Crim.)(B.C.), 22421, *01 9.10.92	2317(92)	2317(92)
<i>Sawyer v. The Queen</i> (Crim.)(Ont.), 22755, *01 2.12.92	2691(92)	2691(92)
<i>Services de santé du Québec c. Communauté urbaine de Québec</i> (Qué.), 21733, *03 13.2.92	2966(91)	392(92)
<i>Sharma (Deepak Kumar) v. The Queen</i> (Crim.)(Ont.), 21989, *01 Lamer C.J. dissenting 26.3.92	2279(91)	818(92)
<i>Sharma (Des Raj) v. The Queen</i> (Crim.)(Ont.), 22332	1088(92)	
<i>Simcoe &amp; Erie General Insurance Co. v. Reid Crowther &amp; Partners Ltd.</i> (Man.), 22372	2319(92)	
<i>Sims v. The Queen</i> (Crim.)(B.C.), 22443, *03 27.8.92	1593(92)	1988(92)
<i>Strang v. Strang</i> (Alta.), 22066, *02 11.6.92	905(92)	1516(92)
<i>Sun Life du Canada, compagnie d'assurance-vie c. Lalonde</i> (Qué.), 22221, *02 29.10.92	1360(92)	2369(92)
<i>Syndicat des employés professionnels de l'Université du Québec à Trois-Rivières c. Université du Québec à Trois-Rivières</i> (Qué.), 22146	2689(92)	
<i>Théroux c. La Reine</i> (Crim.)(Qué.), 22249	2467(92)	
<i>Tremblay c. Commission Hydroélectrique du Québec</i> (Qué.), 21749, allowed in part 25.6.92	684(92)	1645(92)
<i>Tsigaridas c. Pink</i> (Qué.), 22232, *03 5.2.92	363(92)	363(92)
<i>United Brotherhood of Carpenters and Joiners of America, Local 579 v. Bradco Construction Ltd.</i> (Nfld.), 22023	2341(92)	
<i>United Nurses of Alberta v. Attorney General of Alberta</i> (Crim.)(Alta.), 21870, *01 Lamer C.J. and Sopinka and Cory JJ. dissenting 16.4.92	2964(91)	1004(92)
<i>United States of America v. McVey</i> (Crim.)(B.C.), 21331, *03 Lamer C.J. and Sopinka and McLachlin JJ. dissenting 19.11.92	2526(91)	2564(92)
<i>United States of America v. McVey</i> (Crim.)(B.C.), 21751, *03 Lamer C.J. and Sopinka and McLachlin JJ. dissenting 19.11.92	2526(91)	2564(92)
<i>United States of America v. Public Service Alliance of Canada</i> (F.C.A.)(Nfld.), 21641, *03 Sopinka and Cory JJ. dissenting 21.5.92	3041(91)	1269(92)
<i>Van Haarlem v. The Queen</i> (Crim.)(B.C.), 22492, *01 27.4.92	1087(92)	1087(92)

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<i>Vidéotron Ltée c. Industries Microlec Produits</i> (Qué.), 21882, *01 L'Heureux-Dubé J. dissenting 24.9.92	813(92)	2128(92)
<i>Ward v. Attorney General of Canada</i> (F.C.A.)(Ont.), 21937	811(92)	
<i>Wasser c. La Reine</i> (Qué.), 22364, *01 29.4.92	1091(92)	1091(92)
<i>Wiley v. The Queen</i> (Crim.)(B.C.), 22804	2469(92)	
<i>Williams v. The Queen</i> (F.C.A.)(B.C.), 22116, *03 16.4.92	2364(91)	1003(92)
<i>Wise v. The Queen</i> (Crim.)(Ont.), 22050, *01 La Forest, Sopinka and Iacobucci JJ. dissenting 27.2.92	1683(91)	553(92)
<i>Workers' Compensation Board v. Amchem Products Incorporated</i> (B.C.), 22256	1358(92)	
<i>Zlatic c. La Reine</i> (Crim.)(Qué.), 22342,	2530(92)	
<i>Zündel v. The Queen</i> (Crim.)(Ont.), 21811, *03 Gonthier, Cory and Iacobucci JJ. dissenting 27.8.92	3040(91)	1985(92)

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**SCHEDULE RE MOTIONS BEFORE  
THE COURT**


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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** : **December 7, 1992**

Service of motion : November 13, 1992

Filing of motion : November 19, 1992

Response : November 27, 1992

**BEFORE A JUDGE OR THE REGISTRAR:**

Pursuant to Rule 22 of the *Rules of the Supreme Court of Canada*, a motion before a judge or the Registrar must be filed not later than three clear days before the time of the hearing.

Please call (613) 996-8666 for further information.

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**CALENDRIER DES REQUÊTES À LA  
COUR**


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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:** **7 décembre 1992**

Signification: 13 novembre 1992

Dépôt: 19 novembre 1992

Réponse : 27 novembre 1992

**DEVANT UN JUGE OU LE REGISTRAIRE:**

Conformément à l'article 22 des *Règles de la Cour suprême du Canada*, une requête présentée devant un juge ou le registraire doit être déposée au moins trois jours francs avant la date d'audition.

Pour de plus amples renseignements, veuillez appeler au (613) 996-8666.

**REQUIREMENTS FOR FILING A CASE****PRÉALABLES EN MATIÈRE DE PRODUCTION**

The next session of the Supreme Court of Canada commences on October 5, 1992.

La prochaine session de la Cour suprême du Canada débute le 5 octobre 1992.

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:

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:

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

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

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

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

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

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

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

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

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

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.

The Registrar shall enter on a list all appeals inscribed for hearing at the October 1992 Session on August 11, 1992.

Le 11 août 1992, le registraire met au rôle de la session d'octobre 1992 tous les appels inscrits pour audition.

For appeals which fall under the provisions of the *Rules of the Supreme Court of Canada* prior to their amendment on June 19, 1991, please contact the Process Registry at (613) 996-8666 for information regarding the applicable time limits.

En ce qui concerne les délais applicables aux appels visés par les anciennes *Règles de la Cour suprême du Canada*, c'est-à-dire avant l'entrée en vigueur des modifications le 19 juin 1991, veuillez contacter le greffe au (613) 996 8666.

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\*Please note change from information given in Bulletin of June 26, 1992.

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\*Veuillez prendre note de la modification apportée au Bulletin du 26 juin 1992.