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**APPLICATIONS FOR LEAVE TO
APPEAL FILED**

Harold Chalmers Funk et al.
Harold C. Funk

v. (24443)

Royal Bank of Canada (Ont.)
Charron Hollander Mattar

FILING DATE 16.11.1994

Commission Scolaire les Écores
Gilles Paquette
Paquette, Meloche

c. (24456)

**Le Syndicat de l'enseignement de la région des
Mille-Îles (Qué.)**
Giuseppe Sciortino
Melancon, Marceau, Grenier, Sciortino

DATE DE PRODUCTION 12.12.1994

Alexander George Bober
Jana Mills

v. (24455)

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

FILING DATE 12.12.1994

Baker Energy Resources Corporation
W. Ian C. Binnie
Brian D. Edmonds
McCarthy Tétrault

v. (24458)

**Reading & Bates Construction Co. et al.
(F.C.A.)(Ont.)**
Ronald E. Dimock
Dimock & Associates

FILING DATE 16.12.1994

Dean Sebastian
Kevin A. Clarke
Merchant Law Group

v. (24457)

The Workers' Compensation Board (Sask.)
E. L. Bennett
Workers' Compensation Board

FILING DATE 16.12.1994

Denis Morin

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

Lawrence Greenspon
Judy Chan
Karam, Greenspon

v. (24462)

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

FILING DATE 15.12.1994

Le Fou du Roi Inc.
Christian-Daniel Landry
Bélec & Associés

c. (24463)

Danielle Morin (Qué.)
Yves Letellier
Letellier & Associés

DATE DE PRODUCTION 16.12.1994

Wesner Peroux
Mao Chambers

c. (24464)

Cité de la Santé de Laval et al. (Qué.)
Pierre Douville
Monnette Barakett Lévesque Bourque
& Pednault

DATE DE PRODUCTION 16.12.1994

Ali Gharavy

Jean-Pierre Ménard
Denise Martin
Ménard, Martin, Avocats

c. (24460)

Institut Philippe Pinel (Qué.)

Sylvain Lussier
Desjardins Ducharme Stein Monast

DATE DE PRODUCTION 15.12.1994

George Buchan Simpson

Steven M. Kelliher

v. (24465)

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

William F. Ehrcke
Min. of A.G.

FILING DATE 16.12.1994

Lucien Thibodeau

Jacques Marquis

c. (24468)

Corporation municipale de Ste-Julienne (Qué.)

Michel Bélair
Ferland & Bélair

DATE DE PRODUCTION 19.12.1994

Abdelmadjid Kerrar

David I. Schatia

c. (24470)

Houria Souyad (Qué.)

Marie-Christine Laberge
De Grandpré Godin

DATE DE PRODUCTION 19.12.1994

Norman Roy et al.

Leduc Bélanger Boisvert Laurendeau
Rivard

c. (24469)

Donna Patenaude (Qué.)

Raymond Proulx

DATE DE PRODUCTION 16.12.1994

Reddy Rajagopal Chavali et al.

John E. Smith
McCarthy, Smith

v. (24461)

Kanny Ng et al. (Ont.)

Allan R. O'Brien
Nelligan/Power

FILING DATE 15.12.1994

Richard Raïche

Marjolaine Couture

c. (24467)

Luc Giard et al. (Qué.)

Anne Reader
Leduc, Bélanger & Associés

DATE DE PRODUCTION 16.12.1994

Her Majesty the Queen

Matthew H. Britton
Manitoba Justice

v. (24475)

Robert Alexander McPhail (Crim.)(Man.)

Bruce Bonney
Nozick, Sinder & Associates

FILING DATE 21.12.1994

Syndicat de l'enseignement du Lanaudière

Claude Tardif
Gaétan Lévesque
Rivest, Schmidt, Moreau, Desautels et
Tardif

c. (24472)

**Commission scolaire des Cascades-l'Achigan
(Qué.)**

Philippe Frère
Lavery, de Billy

APPLICATIONS FOR LEAVE TO APPEAL
FILED

DATE DE PRODUCTION 20.12.1994

Albert Manley et al.

v. (24476)

Sheldon Clarfield et al. (Ont.)

Aubrey Kauffman
Goodman and Carr

FILING DATE 5.12.1994

Terminaux Portuaires du Québec Inc.

Langlois Robert

c. (24481)

**Association des Employeurs Maritimes et al.
(C.A.F.)(Qué.)**

Ogilvy Renault

DATE DE PRODUCTION 28.12.1994

John McLean Hay

(Mr.) Dana M. Peebles
McCarthy Tétrault

v. (24480)

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

Catherine A. Cooper
A.G. for Ontario

FILING DATE 23.12.1994

DEMANDES D'AUTORISATION D'APPEL
DÉPOSÉES

Alain Allard et al.

Jacques Larochelle

c. (24483)

Commission des valeurs mobilières (Qué.)

Richard Proulx

DATE DE PRODUCTION 28.12.1994

Abdelmadjid Kerrar

David I. Schatia

c. (24479)

Houria Souyad (Qué.)

Marie-Christine Laberge
De Grandpré Godin

DATE DE PRODUCTION 23.12.1994

G.W.M.

Julian N. Falconer
Falconer & Associates

v. (24394)

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

A.G. for Ontario

FILING DATE 30.12.1994

**The College of Physicians and Surgeons of New
Brunswick**

John P. Barry, Q.C.
Barry & O'Neil

v. (24488)

Dr. Francis W. Kenney (N.B.)

E. J. Mockler, Q.C.
Mockler, Allen & Dixon

FILING DATE 22.12.1994

Ian Blue, Q.C.

Colin L. Campbell, Q.C.
McCarthy Tétrault

v. (24393)

Ontario Hydro et al. (Ont.)

Paul S. A. Lamek, Q.C.
Genest, Murray, DesBrisay, Lamek

FILING DATE 23.12.1994

La Compagnie de la Baie d'Hudson

Théodore Goloff
Goloff & Boucher

c. (24482)

Jeannine Desjardins Ferland et al. (Qué.)

Jean Faullem
Gosselin, Bussières, Bédard

DATE DE PRODUCTION 22.12.1994

Meditrust Pharmacy Services Inc.

William Brock
Phillips & Vineberg

v. (24487)

Ordre des Pharmaciens du Québec et al. (Que.)

Jean Pomminville
Philippe Frère
Lavery, de Billy

FILING DATE 30.12.1994

Scott & Pichelli Limited

Rosemary A. Fisher-Cobb
Simpson, Wigle

v. (24485)

**General Motors Acceptance Corporation of
Canada, Limited (Ont.)**

Edward Hyer
Bennett, Best, Burn

FILING DATE 23.12.1994

Her Majesty the Queen

Wayne Gorman
Dept. of Justice

v. (24471)

Ida Marrie (Crim.)(Nfld.)

James Oakley
Noonan, Oakley

FILING DATE 22.12.1994

Her Majesty the Queen

A.G. for Ontario

v. (24484)

Marwin G. (Crim.)(Ont.)

Alan Gold
Gold & Fuerst

FILING DATE 22.12.1994

Her Majesty the Queen

Wendy Rubin
Min. of A.G.

v. (24486)

Norman Rolland Austin (Crim.)(B.C.)

Christine Birnie

FILING DATE 22.12.1994

John McLeod

Eggum, Abrametz & Eggum

v. (24459)

The Law Society of Saskatchewan (Sask.)

McKercher, McKercher & Co.

FILING DATE 15.12.1994

Nikolaus Wolf

v. (24478)

Her Majesty the Queen (Ont.)

J. A. Ramsay
A.G. for Ontario

FILING DATE 20.12.1994

Country Music Television Inc.

Brian A. Crane
Gowling, Strathy & Henderson

v. (24477)

**The Canadian Radio-Television and
Telecommunications Commission and MH
Radio/Rawlco Partnership (F.C.A.)(Ont.)**

Sylvie Courtemanche
C.R.T.C.
Richard Storrey
Goodman & Goodman

FILING DATE 3.1.1995

Helmut Swantje

Kevin J. Mullington
Burke-Robertson

v. (24439)

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

P.A. Babcock
Dept. of Justice

FILING DATE 22.12.1994

Jacynthe Couture

François Leduc
Leduc, Cliche, Duchesne & Associés

c. (24491)

Bibianne Gagnon et al. (Qué.)

Pierre Fortin
Doyon, Fortin & Associés

DATE DE PRODUCTION 28.12.1994

Monica Robinson et al.

v. (24492)

Barry D. Laushway et al. (Ont.)

Denis J. Power, Q.C.
Ron Paritzky
Nelligan/Power

FILING DATE 6.1.1995

James Karpel

Mark H. Arnold
Gardiner, Blumberg

v. (24490)

Othelia R. Pelican (Ont.)

Alan D. Reid
Tannis, Leclair, Reid

FILING DATE 6.1.1995

Janet Eileen Michaud

Robert B. Jackson
Jackson Davis

v. (24497)

The Bank of Montreal (N.B.)

Robert L. Kenny, Q.C.
Kenny, Jackson & Murray

FILING DATE 3.1.1995

Manulife Bank of Canada

H. Stephen Lee
Damiani & Associates

v. (24499)

John Joseph Conlin (Ont.)

Barbara F. Fischer
Siskind, Cromarty, Ivey & Dowler

FILING DATE 9.1.1995

Luscar Ltd.

Everett L. Bunnell, Q.C.
Aldo P. Argento
Terry R. Davis
Parlee McLaws

v. (24496)

Pembina Resources Limited (Alta.)

Lenard M. Sali, Q.C.
Bennett Jones Verchere
Les R. Duncan, Q.C.
Blake, Cassels & Graydon

FILING DATE 9.1.1995

Jacques Barsalou

Alexander D. Pringle, Q.C.

v. (24498)

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

Lieutenant-Colonel D. Brian Murphy

FILING DATE 10.1.1995

Ram Nand

Brian A. Beresh
Beresh DePoe Cunningham

v. (24500)

Edmonton Public School District #7 (Alta.)

Judith Anderson
Harris & Company

FILING DATE 11.1.1995

Scott Maritimes Limited

Eric Durnford, Q.C.
McInnes Cooper & Robertson

v. (24494)

**Labour Standards Tribunal and
Reginald A. Conrad (N.S.)**

William Lahey, Dept. of Justice
Bruce MacIntosh, Q.C.
MacIntosh, MacDonnell & MacDonald

FILING DATE 11.1.1995

Stanley Levert

Marc Rosenberg
Greenspan, Rosenberg and Buhr

v. (24411)

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

A.G. for Ontario

FILING DATE 12.1.1995

Arlette Hayoun

Jérôme Choquette, c.r.

Choquette Bernstein Rhéaume

c. (24501)

La Compagnie T. Eaton Ltée (Qué.)

Philippe Pagé
Desmarais, Picard, Garceau, Pasquin

DATE DE PRODUCTION 12.1.1995

Her Majesty the Queen

Wayne Gorman
Dept. of Justice

v. (24502)

Lewis Tony Chaulk (Crim.)(Nfld.)

Eric Facey
Easton, Facey

FILING DATE 13.1.1995

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

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

DECEMBER 21, 1994

/ LE 21 DÉCEMBRE 1994

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

Her Majesty The Queen

v. (24323)

Murray Calder (Crim.)(Ont.)

NATURE OF THE CASE

Criminal Law - Evidence - *Charter*, ss. 10(b), 24(2) - Respondent, a police officer, was questioned concerning allegations of sexual misconduct - During interrogation, investigating officers advised Respondent that they were investigating sexual misconduct that could lead to action under the *Police Act* or criminal charges - Respondent advised of right to silence but not right to counsel - Was Respondent detained? - Was Respondent's right to counsel infringed? - Should Applicant's statement have been excluded?

PROCEDURAL HISTORY

September 17, 1992 Ontario Court (General Division) (Ferguson J.)	Acquittal: attempting to obtain sexual services of person under age 18, breach of trust and extortion
September 6, 1994 Court of Appeal for Ontario (McKinlay and Labrosse JJ.A.; Doherty J.A. dissenting)	Appeal dismissed
October 6, 1994 Supreme Court of Canada	Notice of appeal filed
November 7, 1994 Supreme Court of Canada	Application for leave to appeal filed

Wayne Elmer Peters

v. (24391)

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

NATURE OF THE CASE

Criminal law - Sentencing - Evidence - Offences - Applicant declared a dangerous offender - Is the Applicant's conviction under s. 349(1) of the *Criminal Code* a personal injury offence as defined in s. 752 of the *Criminal Code*? - Must the intent of an accused person be considered by the trier of fact to determine a serious personal injury offence pursuant to s. 752 of the *Criminal Code* - Whether the Court of Appeal erred in law when it gave no reasons for its decision.

PROCEDURAL HISTORY

November 26, 1993 Provincial Court for Saskatchewan (Orr P.C.J.)	Conviction: unlawfully being in a dwelling house with intent to commit an indictable offence contrary to s. 394(1) of the <i>Criminal Code</i> ; dangerous offender finding
July 11, 1994 Court of Appeal for Saskatchewan (Cameron, Gerwing and Lane JJ.A.)	Appeal against sentence dismissed

November 7, 1994
Supreme Court of Canada

Application for leave to appeal filed

William DeCoste

v. (24306)

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

NATURE OF THE CASE

Criminal law - Defence - Procedural law - Causation - Whether "substantial cause" threshold test in *R. v. Harbottle* applies to second degree murder - Whether decision in *R. v. Harbottle* in setting out threshold test for constructive first degree murder as new law entitles the Applicant to raise the issue for the issue of causation for the first time on appeal - Whether the trial judge failed to properly instruct the jury on the issue of causation.

PROCEDURAL HISTORY

APPLICATIONS FOR LEAVE
SUBMITTED TO COURT SINCE LAST ISSUE

REQUÊTES SOUMISES À LA COUR
DEPUIS LA DERNIÈRE PARUTION

April 6, 1990
Ontario Court (General Division)
(Trainor J.)

Conviction: 2nd degree murder; Sentenced to life imprisonment without eligibility for parole for 10 years

June 17, 1993
Court of Appeal for Ontario
(Grange, Catzman and Austin JJ.A.)

Appeal dismissed

September 30, 1994
Supreme Court of Canada

Application for leave to appeal filed

Andrew Camani

v. (24369)

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

NATURE OF THE CASE

Criminal law - Offences - Evidence - Threat to cause death - Applicant telling complainant to look at the front page of local paper - Whether the Court of Appeal erred in holding that words which in themselves are not threatening are nonetheless capable of conveying a threat of death - Whether the Court of Appeal erred in law in relying upon the complainant's belief that she had been threatened to constitute the proof of a threat - Whether the Court of Appeal erred in law in not holding that the trial judge erred in failing to determine whether the prosecution had proved its case once he rejected the Applicant's explanation for the statement.

PROCEDURAL HISTORY

August 20, 1993
Ontario Court of Justice
(Provincial Division)
(Zabel J.)

Conviction: threat to cause death contrary to s.
264.1(1)(a) of the *Criminal Code*

September 1, 1994
Court of Appeal for Ontario
(Griffiths, Carthy and Labrosse JJ.A.)

Appeal dismissed

October 28, 1994
Supreme Court of Canada

Application for leave to appeal filed

**Randy Andre McMaster and
Harley Howard McMaster**

v. (24395)

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

NATURE OF THE CASE

Criminal law - Defence - Evidence - Intoxication - Whether the Court of Appeal erred in dismissing the Applicants' appeal that the trial judge had erred in law in misdirecting himself with respect to the defence of drunkenness.

PROCEDURAL HISTORY

October 20, 1993
Court of Queen's Bench of Alberta
(Brennan J.)

Conviction: Second degree murder

September 15, 1994
Court of Appeal of Alberta
(Harradence, Kerans and Foisy JJ.A.)

Appeals dismissed

November 10, 1994
Supreme Court of Canada

Application for leave to appeal filed

Timothy Randall Lemky

v. (24454)

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

NATURE OF THE CASE

Criminal law - Defence - Evidence - Intoxication - Whether the trial judge erred in failing to leave the defence of intoxication with the jury - Whether the Court of Appeal erred in law in holding that evidence of intoxication is only legally relevant if it deprives the accused of the capacity to form the intent for murder.

PROCEDURAL HISTORY

September 28, 1990
Supreme Court of British Columbia
(Scarth J.)

Conviction: Second degree murder

August 27, 1992
Court of Appeal for British Columbia
(Southin, Hinds and Goldie JJ.A.)

Appeal dismissed

December 9, 1994
Supreme Court of Canada

Application for leave to appeal filed

Ronald Webber and George Corchis

v. (24383)

A. Jourdain Investments Limited (Ont.)

NATURE OF THE CASE

Commercial law - Contracts - Whether party to whom sums were made payable under promissory notes is, in the circumstances, entitled to balance owing.

PROCEDURAL HISTORY

June 25, 1990
Supreme Court of Ontario
(MacFarland J.)

Judgment for plaintiff A. Jourdain Investments Ltd.; counterclaim by Ronald Webber and George Corchis dismissed

September 8, 1994
Court of Appeal for Ontario
(Grange, Labrosse and Austin JJ.A.)

Appeal dismissed

November 4, 1994
Supreme Court of Canada

Application for leave to appeal filed

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

Manly Ruben Cross

v. (24371)

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

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Interpretation - Search and seizure -Right to be free from unreasonable search in s. 8 of the *Charter* - Breathalyser device, A.L.E.R.T. model J3A approved screening device until February 16, 1994, when it was removed from list - Was model J3A approved screening device within the meaning of s. 254(1) of the *Criminal Code*, when Applicant stopped in April 1993 - Did breathalyser demand constitute a breach of the Applicant's *Charter* rights? - Onus of establishing legality of device - Should evidence of breathalyser technician have been excluded under s. 24(2) of the *Charter*?

PROCEDURAL HISTORY

APPLICATIONS FOR LEAVE
SUBMITTED TO COURT SINCE LAST ISSUE

REQUÊTES SOUMISES À LA COUR
DEPUIS LA DERNIÈRE PARUTION

October 25, 1993
Ontario Court, Provincial Division
(Baker P.C.J.)

Conviction: Driving "over 80"

March 30, 1994
Ontario Court (General Division)
(Cunningham J.)

Summary conviction appeal allowed: conviction set
aside

August 23, 1994
Court of Appeal for Ontario
(Brooke, Grange and Arbour JJ.A.)

Crown appeal allowed: conviction restored

October 28, 1994
Supreme Court of Canada

Application for leave to appeal filed

Her Majesty The Queen

v. (24378)

Garfield Lambert (Crim.)(Nfld.)

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Sentence - Statutes - Interpretation - Whether the Newfoundland Court of Appeal erred in holding that the application of s. 741.2 of the *Criminal Code* of Canada to any offence committed prior to the proclamation in force of s. 741.2 violates s. 11(i) of the *Canadian Charter of Rights and Freedoms*.

PROCEDURAL HISTORY

June 25, 1993
Supreme Court of Newfoundland,
Trial Division
(Woolridge J.)

Conviction: Sexual assault
Sentence: 4 years and order made pursuant to s.
741.2 C.C.C.

September 26, 1994
Supreme Court of Newfoundland,
Appeal Division
(Goodridge, C.J.N., Mahoney
and Steele, J.J.A.)

Respondent's appeal against sentence varied to the
extent of excluding the order made pursuant to s.
741.2 C.C.C. as the provision breaches s. 11(i) of the
Charter

October 28, 1994
Supreme Court of Canada

Application for leave to appeal filed

Her Majesty the Queen

v. (24397)

Donald I. MacLeod (Crim.)(N.B.)

NATURE OF THE CASE

Criminal law - Evidence - Canadian Charter of Rights - Procedural law - Preliminary Inquiry - Preservation of court records - Applicant discharged at preliminary inquiry - Transcript of preliminary inquiry destroyed after 147 days - Deputy Attorney General prefers indictment - Whether Court of Appeal erred in law in determining that the destruction of the transcript of the preliminary hearing prevented the Applicant from making full answer and defence at his trial.

PROCEDURAL HISTORY

January 18, 1993
Court of Queen's Bench of New Brunswick
(McLellan J.)

Motion to have indictment quashed dismissed

September 13, 1994
Court of Appeal for New Brunswick
(Angers, Ayles and Ryan JJ.A.)

Appeal allowed, conviction quashed and judgment of
acquittal entered

November 10, 1994
Supreme Court of Canada

Application for leave to appeal filed

D'Amore Construction (Windsor) Limited

v. (24372)

**Her Majesty The Queen in Right of Ontario,
Trow Holdings Inc., and DeLeuw Cather, Canada Limited (Ont.)**

NATURE OF THE CASE

Civil procedure - Actions - Dismissal for delay - Whether letters from defendants to plaintiff undermined defendants' contention that delay caused requisite prejudice.

PROCEDURAL HISTORY

June 13, 1991
Ontario Court (General Division)
(Master Sandler)

Motions for dismissal of action, as against Her
Majesty The Queen in Right of Ontario and DeLeuw
Cather, Canada Ltd. dismissed

August 20, 1992
Ontario Court (General Division)
(MacDonald J.)

Appeal allowed

August 24, 1994
Court of Appeal for Ontario
(Robins, Finlayson and Carthy JJ.A.)

Appeal dismissed

October 28, 1994
Supreme Court of Canada

Application for leave to appeal filed

**Skyview Hotels Limited, Ernst & Young Inc.,
B.C. Central Credit Union, Banque Laurentienne du Canada,
Societe Generale (Canada), Roynat Inc., ABN Amro Bank Canada
and The Bank of Tokyo Canada**

v. (24374)

Chiips Inc. (Alta.)

NATURE OF THE CASE

Commercial law - Receivership - Creditor & debtor - Priority of claims - Subordination clause - Whether Court of Appeal erred in its interpretation of mortgage and debenture encumbrance clauses to find a provision for priority in the absence of express language - Whether the interpretative approach of the Court of Appeal of Alberta is inconsistent with that of the Court of Appeal for Ontario creating uncertainty for lenders.

PROCEDURAL HISTORY

January 23, 1993
Court of Queen's Bench of Alberta
(Master Alberstat in Chambers)

Respondent granted priority of about 13 items of furniture and claim to balance of goods shipped between December 1991 and July 1992 dismissed

April 7, 1993
Court of Queen's Bench of Alberta
(Mason J. in Chambers)

Appeal dismissed

July 15, 1994
Court of Appeal of Alberta
(Harradence J.A., [Hetherington J.A. dissenting], and Foisy J.A.)
October 31, 1994
Supreme Court of Canada

Appeal allowed

Application for leave to appeal filed

Felice D'Amato and Arbor Body Shop (1980) Ltd.

v. (24364)

Donald Herbert Badger and Russell Frazer (B.C.)

NATURE OF THE CASE

Torts - Assessment - Damages - Negligence - Respondents admitted liability and only issue at trial was the award of damages - Whether the Court of Appeal erred in failing to apply the principles in *Canadian National Railway Company v. Norsk Pacific Steamship Company Limited*, [1992] 1 S.C.R. 1021 - Whether the Court of Appeal erred in reversing the trial judge's findings that sufficient proximity existed to enable recovery of economic losses and that the Court of Appeal erred in requiring the Respondents to have actual knowledge of the relationship between the individual and the corporate Applicants.

PROCEDURAL HISTORY

APPLICATIONS FOR LEAVE
SUBMITTED TO COURT SINCE LAST ISSUE

REQUÊTES SOUMISES À LA COUR
DEPUIS LA DERNIÈRE PARUTION

April 7, 1993
Supreme Court of British Columbia
(Vickers J.)

Applicant awarded damages and loss of future
earning capacity

July 18, 1994
Court of Appeal for British Columbia
(McEachern C.J., Hinkson and Legg JJ.A.)

Appeal allowed

October 27, 1994
Supreme Court of Canada

Application for leave to appeal filed

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

Sa Majesté la Reine

c. (24408)

Claude Simard (Crim.)(Qué.)

NATURE DE LA CAUSE

Charte canadienne des droits et libertés - Droit criminel - Procès - Droit d'être jugé dans un délai raisonnable en vertu de l'art. 11b) de la *Charte* - La Cour d'appel a-t-elle erré en droit en ne tenant pas compte du consentement aux remises par l'accusé? - La Cour d'appel a-t-elle erré en droit en ne tenant pas compte de l'absence de preuve de préjudice subi par l'accusé?

HISTORIQUE PROCÉDURAL

Le 17 décembre 1991
Cour du Québec, chambre criminelle
(Bissonnette j.c.q.)

Requête pour arrêt des procédures accueillie

Le 22 septembre 1994
Cour d'appel du Québec
(Rothman, Proulx et Otis jj.c.a.)

Appel rejeté

Le 17 novembre 1994
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Her Majesty the Queen

v. (24234)

Richard Gauthier (Crim.)(Que.)

NATURE OF THE CASE

Criminal law - Procedural law - Appeals - Trial judge exercising his discretion to re-open the hearing - Crown counsel not objecting - Court of appeal intervening - Whether the Court of Appeal erred in ordering a stay of proceedings instead of a new trial, thereby preventing the Crown from calling a witness who was not called at trial.

PROCEDURAL HISTORY

June 20, 1991
Quebec Court (Criminal division)
(d'Arcy Asselin J.)

Conviction: Two counts of sexual assault

July 8, 1994
Court of Appeal
(McCarthy [Dissenting], Proulx and Delisle JJ.A.)

Appeal allowed; conviction set aside; stay of proceedings ordered

November 7, 1994
Supreme Court of Canada
(Sopinka, Cory, McLachlin, Iacobucci and Major JJ.)

Motion to quash appeal as of right granted

November 18, 1994
Supreme Court of Canada

Application for leave to appeal and for an extension of time filed by the Applicant

Edith Joan Noble

v. (24403)

First City Trust Company (Alta.)

NATURE OF THE CASE

Property Law - Mines & minerals - Real property - Real rights - Land titles - Commercial law - Contracts - Petroleum and natural gas leases - Nature of interest acquired by trustee under "Gross Royalty Trust Agreement".

PROCEDURAL HISTORY

May 23, 1991
Court of Queen's Bench of Alberta
(Mason J.)

Order designating test case, regarding preliminary issues to be determined and regarding test case procedure

February 26, 1993
Court of Queen's Bench of Alberta
(Hunt J.)

Judgment determining preliminary issues

September 12, 1994
Court of Appeal of Alberta
(Foisy, Stratton and Irving JJ.A.)

Appeal dismissed

November 14, 1994
Supreme Court of Canada

Application for leave to appeal filed

Allen T. Fletcher and Hilda A. Fletcher

v. (24404)

Scurry-Rainbow Oil Limited on its own behalf and on behalf of the other Gross Royalty Trust Certificate Holders in the Halvard Kolstad Gross Royalty Trust except those who are also Defendants (Alta.)

NATURE OF THE CASE

Property law - Mines & minerals - Real property - Real rights - Land titles - Commercial law - Contracts - Use of evidence as to commercial context Petroleum and natural gas leases - What constitutes an "interest in land" - Nature of owner's interest, royalty interest - Use of evidence as to commercial context.

PROCEDURAL HISTORY

August 30, 1990
Court of Queen's Bench of Alberta
(Mason J.)

Order regarding test case procedure

October 11, 1990
Court of Queen's Bench of Alberta
(Mason J.)

Order designating test cases

December 19, 1990
Court of Queen's Bench of Alberta
(Mason J.)

Order regarding preliminary issues to be determined

February 26, 1993
Court of Queen's Bench of Alberta
(Hunt J.)

Judgment determining preliminary issues

September 12, 1994
Court of Appeal of Alberta
(Foisy, Stratton and Irving JJ.A.)

Appeal dismissed

November 14, 1994
Supreme Court of Canada

Application for leave to appeal filed

**Daisy Marie Burden and Marlene Merle Bouchard
as Executrices of the Estate of Clarence C. Galloway, Deceased**

v. (24405)

**Scurry-Rainbow Oil Limited on its own behalf
and on behalf of the other Gross Royalty Trust Certificate
Holders in the Fredrick Bertram Fisher No. 2 Gross Royalty Trust
except those who might also be Defendants (Alta.)**

NATURE OF THE CASE

Property Law - Mines & minerals - Real property - Real rights - Land titles - Commercial law - Contracts - Petroleum and natural gas leases - Nature of interest acquired by trustee under "Gross Royalty Trust Agreement".

PROCEDURAL HISTORY

August 30, 1990 Court of Queen's Bench of Alberta (Mason J.)	Order regarding test case procedure
October 11, 1990 Court of Queen's Bench of Alberta (Mason J.)	Order designating test cases
December 19, 1990 Court of Queen's Bench of Alberta (Mason J.)	Order regarding preliminary issues to be determined
February 26, 1993 Court of Queen's Bench of Alberta (Hunt J.)	Judgment determining preliminary issues
September 12, 1994 Court of Appeal of Alberta (Foisy, Stratton and Irving JJ.A.)	Appeal dismissed
November 14, 1994 Supreme Court of Canada	Application for leave to appeal filed

Alan W. Scarth and Donald G. Skagen,

v. (24424)

**Northland Bank and Touche Ross Limited
as Liquidator of Northland Bank (Alta.)**

AND BETWEEN:

**R.A. Fabro, Peter V. Gundy,
Alan W. Scarth and Donald G. Skagen,**

v.

**Canada Deposit Insurance Corporation and
Her Majesty The Queen In Right Of Canada, As
Represented By The Minister Of Finance**

NATURE OF THE CASE

Actions - Procedural law - Evidence - Banks and banking operations - Access - Damages - Negligence - Loan - Settlement agreement - Effect of agreement for auditors not to act as witnesses voluntarily - Whether one party to

action by agreement with that party can inhibit access by another party - Whether principle in *Harmony Shipping Co. SA v. Davis and others* (1979) 3 All E.R. 177 (C.A.) be applied in Canada to hold that an agreement with an expert by one party to litigation that witness not voluntarily act as witness or provide litigation support to another party to be against public policy - Whether there must be actual suppression of evidence as result of the agreement for courts to declare the agreement to be against public policy.

PROCEDURAL HISTORY

April 8, 1993 Court of Queen's Bench of Alberta (Forsyth J.)	Application for stay of proceedings denied
September 22, 1994 Court of Appeal of Alberta (Harradence, Kerans and Conrad JJ.A)	Appeal dismissed
November 21, 1994 Supreme Court of Canada	Application for leave to appeal filed

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

Denis Brousseau

c. (24407)

Barbara Stewart-Wolf (Qué.)

NATURE DE LA CAUSE

Procédure - Procédure civile - Actions - Tribunaux - Compétence - La Cour d'appel a-t-elle erré en droit dans son interprétation des articles 32 et 155 du *Code de procédure civile*, L.R.Q. 1977, ch. C-25, en statuant que l'incompétence de la Cour du Québec en matière immobilière est de nature relative? - La Cour d'appel a-t-elle erré en droit en concluant que le demandeur avait omis de se prévaloir de son droit d'évocation dans les délais prévus à l'article 155 du *Code de procédure civile* et avait de surcroît renoncé à ce droit en consentant à ce que le litige soit décidé par la Cour du Québec?

HISTORIQUE PROCÉDURAL

Le 9 novembre 1993
Cour du Québec, chambre civile
(Pagé j.c.q.)

Action en dommages du demandeur rejetée et
demande reconventionnelle de l'intimée maintenue
en partie

Le 9 février 1994
Cour supérieure du Québec
(Galipeau j.c.s.)

Requête en révision accueillie et jugement de la
Cour du Québec annulé pour défaut de compétence
ratione materiae

Le 15 septembre 1994
Cour d'appel du Québec
(Gendreau, Baudouin et Deschamps jj.c.a.)

Appel accueilli

Le 14 novembre 1994
Cour suprême du Canada

Demande d'autorisation d'appel déposée

DECEMBER 29, 1994 / LE 29 DÉCEMBRE 1994

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

Her Majesty the Queen

v. (24421)

Douglas Hartley Peterson (Crim.)(B.C.)

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Police - Seizure - Narcotics - Evidence - Whether the Court of Appeal erred in law in holding that s. 8 of the *Canadian Charter of Rights and Freedoms* precludes police officers, acting without warrant, from approaching the front or back door of a premises, using normal means of ingress, for the purpose of making enquiries and investigating criminal activity which they "suspect" is being carried out therein - Whether the Court of Appeal erred in law in holding that, for the purposes of the application of s. 24(2) of the *Canadian Charter*, it is incumbent on the Crown to lead evidence as to the "seriousness" of the offence(s).

PROCEDURAL HISTORY

March 10, 1993
Supreme Court of British Columbia
(Spencer J.)

Peterson convicted of possession of a narcotic
(marihuana) for the purpose of trafficking, unlawful
cultivation of marihuana, and possession of an
unregistered restricted weapon

September 22, 1994
Court of Appeal for British Columbia
(Southin, Proudfoot and Rowles JJ.A.)

Appeal allowed

November 21, 1994
Supreme Court of Canada

Application for leave to appeal filed

Kelly Lee Dorscheid

v. (24420)

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

NATURE OF THE CASE

Criminal law - Sentencing - Order declaring Applicant dangerous offender - Whether a finding of dangerousness is to be based only on the likelihood that the offender is a habitual criminal - Interpretation of s. 753(1)(a) of the *Criminal Code*.

PROCEDURAL HISTORY

May 22, 1992
Court of Queen's Bench
(Agrios J.)

Applicant having been found guilty of sexual assault causing bodily harm declared a dangerous offender and sentenced to 12 years in jail.

February 23, 1994
Court of Appeal of Alberta
(Kerans, Belzil, and Foisy JJ.A.)

Appeal against declaration and sentence dismissed.

November 21, 1994
Supreme Court of Canada

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

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

**Linsay Skelding and Brock Skelding,
by their guardian Ad Litem,
Michael Charters Wright**

v. (24389)

John Franklin Skelding (B.C.)

NATURE OF THE CASE

Torts - Damages - Negligence - Family law - Infants - Maintenance - Adoption - Wills - *Family Compensation Act*, R.S.B.C. 1979, c. 120 - Assessment of damages - Proper principles - Effect of remarriage of infant plaintiffs' father following death of plaintiffs' mother in car accident caused by defendant father.

PROCEDURAL HISTORY

November 3, 1992
Supreme Court of British Columbia
(Cashman J.)

Judgment awarding damages to plaintiffs

September 8, 1994
Court of Appeal for British Columbia
(Gibbs, Ryan and Finch [dissenting] JJ.A.)

Appeal against assessment allowed; judgment varied

November 4, 1994
Supreme Court of Canada

Application for leave to appeal filed

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

Steven Neuberger

v. (24346)

Marilyn Connors (Ont.)

NATURE OF THE CASE

Family law - Procedural law - Access - Custody - Access provisions of parties' child varied twice - Applicant's appeal allowed to the extent of varying the access provisions in a minor manner - Whether the Court of Appeal erred in hearing and dealing with the appeal.

PROCEDURAL HISTORY

July 4, 1990
Ontario Court of Justice, General Division
(Hurley J.)

Divorce granted; Custody of child to Respondent and supervised access to Applicant; Applicant to pay child support

June 24, 1994
Court of Appeal for Ontario
(Robins, Osborne and Labrosse JJ.A.)

Appeal allowed to the extent that access provisions are varied

October 12, 1994
Supreme Court of Canada

Application for leave to appeal filed

Le sous-ministre du Revenu national

c. (24361)

Hydro-Québec (C.A.F.)(Qué.)

NATURE DE LA CAUSE

Droit fiscal - Douanes et accise - Législation - Interprétation - *Loi sur la taxe d'accise*, S.R.C. 1970, ch. E-13 et mod. - Taxe de vente - Les biens acquis par l'intimée au cours des années 1981 à 1984 inclusivement sont-ils utilisés "directement" ou, pour les achats postérieurs au 16 février 1984, "principalement et directement" dans la fabrication ou la production de l'électricité, au sens de l'alinéa 1*a*) de la Partie XIII de l'annexe III de la Loi, tel qu'il se lisait à l'époque?

HISTORIQUE PROCÉDURAL

APPLICATIONS FOR LEAVE
SUBMITTED TO COURT SINCE LAST ISSUE

REQUÊTES SOUMISES À LA COUR
DEPUIS LA DERNIÈRE PARUTION

Le 20 décembre 1991
Le Tribunal canadien du commerce extérieur
(Trudeau, Macmillan et Hines, membres)

Demande d'exemption de la taxe de vente accordée
en partie

Le 20 juin 1994
Cour d'appel fédérale
(Marceau, Desjardins et Létourneau, JJ.C.A.)

Appel rejeté

Le 20 octobre 1994
Cour suprême du Canada

Demande d'autorisation d'appel déposée

JANUARY 6, 1995 / LE 6 JANVIER 1995

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

M. S.

v. (24431)

**Her Majesty the Queen and the Warden/Keeper
of Mountain Institution (Crim.)(B.C.)**

NATURE OF THE CASE

Criminal law - Prerogative remedies - *Habeas corpus* - Whether lower courts erred in denying the Applicant's application for writ of *habeas corpus*.

PROCEDURAL HISTORY

February 24, 1994
Supreme Court of British Columbia
(Meredith J.)

Conviction: incest

June 29, 1994
Court of Appeal for British Columbia
(McEachern C.J.B.C.)

Motion for leave to have panel review decision
refusing bail pending appeal dismissed

August 17, 1994
Supreme Court of British Columbia
(Hall J.)

Application for *habeas corpus* denied

October 21, 1994
Court of Appeal for British Columbia
(McEachern C.J.B.C. and Rowles and Hutcheon
J.J.A.)

Appeal from decision of August 17, 1994, dismissed

November 25, 1994
Supreme Court of Canada

Application for leave to appeal filed

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

The Toronto-Dominion Bank

v. (24385)

Vita Health Company (1985) Ltd. (Man.)

NATURE OF THE CASE

Commercial law - Banks and banking operations - Torts - Damages - Fiduciary Relationship - Whether Court of Appeal erred in concluding a fiduciary relationship existed between a bank and its customer - Whether the Court of Appeal erred in failing to find that the Respondent's own negligence contributed to the harm suffered by it and failing to find that the Respondent's damages should be reduced - Whether damages in an action for breach of fiduciary duty may be reduced as a result of contributory negligence.

PROCEDURAL HISTORY

APPLICATIONS FOR LEAVE
SUBMITTED TO COURT SINCE LAST ISSUE

REQUÊTES SOUMISES À LA COUR
DEPUIS LA DERNIÈRE PARUTION

July 28, 1993
Court of Queen's Bench of Manitoba
(Duval J.)

Order that the Applicant pay to the Respondent
\$420,368 plus prejudgment interest

September 8, 1994
Court of Appeal of Manitoba
(Philp, Twaddle and Kroft JJ.A.)

Appeal allowed in part

November 7, 1994
Supreme Court of Canada

Application for leave to appeal filed

Associated Respiratory Services Inc.

v. (24366)

**The Purchasing Commission,
The Minister of Health, The Minister
of Women's Programs and Government Services,
and Airgas Inc., doing business as
Anamed Medical Supply (B.C.)**

NATURE OF THE CASE

Administrative law - Judicial review - Prerogative writs - Remedies - Commercial law - Statutes - Interpretation - Process by which suppliers for British Columbia's Home Oxygen Program selected.

PROCEDURAL HISTORY

June 15, 1992 Supreme Court of British Columbia (Vickers J.)	Petition for judicial review dismissed
January 10, 1994 Court of Appeal for British Columbia (Lambert, Proudfoot and Wood JJ.A.)	Appeal allowed
August 19, 1994 Court of Appeal for British Columbia (Lambert, Proudfoot and Wood JJ.A.)	Supplementary judgment
October 28, 1994 Supreme Court of Canada	Application for leave to appeal filed

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

Lomer Pilote

c. (24419)

**Corporation de l'Hôpital Bellechasse de Montréal,
Le Procureur général du Québec, et al (Qué.)**

NATURE DE LA CAUSE

Charte canadienne des droits et libertés - Droit constitutionnel - Législation - Interprétation - Droits linguistiques - Procédures judiciaires - Requête en jugement déclaratoire portant que l'article 133 de la *Loi constitutionnelle de 1867* ainsi que les Chartes canadienne et québécoise exigent des juges qu'ils rendent les motifs de leurs jugements dans la langue de la partie demanderesse? - *Loi constitutionnelle de 1867* - *Charte des droits et libertés de la personne*, L.R.Q. ch. C-12.

HISTORIQUE PROCÉDURAL

Le 16 décembre 1987
Cour supérieure du Québec
(Hannan J.C.S.)

Requête en jugement déclaratoire rejetée avec
dépens

Le 11 octobre 1989
Cour d'appel du Québec
(Beauregard, Jacques et Nichols, J.J.C.A.)

Requête du demandeur en modification de sa
déclaration, de l'inscription en appel et pour dépôt
d'une nouvelle preuve, accordée en partie

Le 21 septembre 1994
Cour d'appel du Québec
(Rothman, Brossard et Otis, J.J.C.A.)

Appel rejeté avec dépens

Le 17 novembre 1994
Cour suprême du Canada

Demande d'autorisation d'appel déposée

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

**Normand Roy, André Ouimet, Jacques Leblanc,
Noel Leduc, Urgel Nadeau, Réjean Poulin**

c. (24469)

Donna Patenaude (Qué.)

NATURE DE LA CAUSE

Responsabilité civile - Dommages-intérêts - Procédure - Preuve - Article 49 de la *Charte des droits et libertés québécoise* et dommages exemplaires - La Cour d'appel a-t-elle erré en tranchant les objections et en examinant la preuve pour substituer son jugement à celui de la Cour supérieure? - Un agent de la paix est-il dispensé de s'annoncer avant d'entrer par la force dans une maison d'habitation selon les normes de conduite imposées par la common law, en raison du fait qu'il a des motifs raisonnables et probables de croire que la personne recherchée est violente, étant visée par un mandat d'arrestation pour tentative de meurtre et possiblement armée, et partant, est justifié de craindre pour sa propre sécurité et pour la sécurité des policiers exécutant ledit mandat? - L'erreur du demandeur Roy constitue-t-elle une atteinte illicite et intentionnelle au sens de l'art. 49 de la *Charte*? - Est-ce que l'art. 49 de la *Charte* exige la commission d'une faute lourde ou dolosive pour que l'octroi de dommages exemplaires puisse être envisagé? - Est-ce que des dommages exemplaires accordés selon l'art. 49 de la *Charte* peuvent porter intérêt et être l'objet d'une condamnation au paiement de l'indemnité additionnelle prévue à l'art. 1056c. du *Code civil du Bas-Canada* à compter de la date de l'institution de la demande en justice?

HISTORIQUE PROCÉDURAL

Le 18 février 1988
Cour Supérieure du Québec
(Martineau j.c.s.)

Action en dommages accueillie en partie

Le 17 octobre 1994
Cour d'Appel du Québec
(Tyndale, Delisle [dissident en partie] et Steinberg
jj.c.a.)

Appel rejeté; Appel incident accueilli

Le 19 décembre 1994
Cour Suprême du Canada

Demande d'autorisation d'appel déposée

JANUARY 12, 1995 / LE 12 JANVIER 1995

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

Joseph Reed

v. (24332)

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

NATURE OF THE CASE

Criminal law - *Canadian Charter of Rights and Freedoms* - Civil Rights - Applicant standing at the door of a Jehovah's Witness meeting wearing a placard - Convicted of wilfully disturbing the order or solemnity of an assemblage of persons met for religious worship contrary to s. 176(3) of the *Criminal Code* - Terms of the probation order prohibited Applicant from attending or being one block radius from an assemblage of Jehovah's Witness assembling for religious worship - Whether the trial judge erred in the meaning of "meeting" or "disturbs" in s. 176(3) of the *Criminal Code* - Whether s. 176(3) of the *Criminal Code* is invalid because of the failure to comply with the *Charter* - Whether s. 737(2)(h) of the *Criminal Code* or the condition of the probation order invalid because of a failure to comply with the *Charter*.

PROCEDURAL HISTORY

July 28, 1992
Provincial Court of British Columbia
(Devitt J.)

Conviction: 2 counts of wilfully disturbing the order and solemnity of a religious assemblage contrary to s. 176(3) of the *Criminal Code*

November 2, 1992
Supreme Court of British Columbia
(Fisher J.)

Summary conviction appeal dismissed

December 9, 1992
Provincial Court of British Columbia
(Lytwyn J.)

Conviction: Failure to comply with probation order of Judge Devitt

March 22, 1993
Supreme Court of British Columbia
(Gill J.)

Summary conviction appeal dismissed

August 11, 1994
Court of Appeal of British Columbia
(McEachern C.J., Proudfoot J.A. and [Finch J.A. dissenting in part])

Appeals dismissed

October 7, 1994
Supreme Court of Canada

Application for leave to appeal filed

Michael Petrini

v. (24433)

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

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Freedom of conscience - Taxation - Whether a taxpayer may withhold income tax that is owing on the basis of freedom of conscience.

PROCEDURAL HISTORY

February 11, 1991
Tax Court of Canada
(Beaubier, J.T.C.C.)

Appeal from assessments dating from 1983 through to 1989 dismissed for lack of jurisdiction

December 10, 1991
Federal Court of Canada, Trial Division
(Lefebvre, Senior Prothonotary)

Plaintiff's statement of claim struck pursuant to Rule 419 (1)(a) of the *Federal Court Rules*; Action dismissed with costs

February 25, 1992
Federal Court of Canada, Trial Division
(Reed, J.)

Application for leave to appeal dismissed without costs

October 4, 1994
Federal Court of Appeal
(Hugessen, Décary and McDonald JJ.A)

Appeal dismissed with costs

November 25, 1994
Supreme Court of Canada

Application for leave to appeal filed

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

Dr. Khalid J. Hasan

v. (24398)

**The Council of the College of
Physicians and Surgeons of New Brunswick (N.B.)**

NATURE OF THE CASE

Administrative law - Physicians and surgeons - Law of professions - Jurisdiction - Procedural Law - Professional misconduct - Board of Inquiry and Council of the College of Physicians and Surgeons of New Brunswick found the Applicant guilty of professional misconduct - Court of Appeal upheld finding of professional misconduct - Whether the Court of Appeal erred in holding that the Board of Inquiry of the College need not prove the professional standard that the Applicant was alleged to have breached.

PROCEDURAL HISTORY

January 19, 1993
Board of Inquiry of College of Physicians and
Surgeons of New Brunswick

Guilty of professional misconduct

June 14, 1993
Order of Council of College of Physicians and
Surgeons of New Brunswick

Guilty of professional misconduct; License
suspended for four months; To pay costs of the
Council in whole

September 14, 1994
Court of Appeal of New Brunswick
(Angers, Ryan and Turnbull JJ.A.)

Appeal dismissed except for variation in Council's
order with respect to costs

November 14, 1994
Supreme Court of Canada

Application for leave to appeal filed

Armada Lines Ltd.
(now Clipper Shipping Lines)

v. (24351)

Chaleur Fertilizers Ltd. (F.C.A.)(Ont.)

NATURE OF THE CASE

Commercial law - Maritime law - Contracts - Damages - Carriage of goods - Breach of contract - Whether the Court of Appeal erred in holding that Rule 1003 of the *Federal Court Rules*, arrest in an action *in rem*, is subject to jurisprudential guidelines on Mareva injunctions - Whether the Court of Appeal erred in holding that damages for wrongful arrest are recoverable in the absence of bad faith, malice or gross negligence on the part of the arrestee - Whether the Court of Appeal erred in holding that the Respondent was under no obligation to mitigate in respect of its claim for damages for wrongful arrest - Whether the Court of Appeal erred in setting aside the finding of the trial judge that the evidence demonstrated that an anticipatory breach of contract had occurred entitling the Applicant to treat the contract as having been repudiated by the Respondent.

PROCEDURAL HISTORY

December 12, 1983
Federal Court, Trial Division
(Rouleau J.F.C.T.D.)

Order setting aside warrant of arrest of cargo;

February 22, 1993
Federal Court, Trial Division
(Reed J.F.C.T.D.)

Applicant's action allowed: award of damages in the
amount of \$63,151.88

July 12, 1994
Federal Court of Appeal
(Isaac C.J., Pratte and Heald JJ.A.)

Appeal allowed: judgment of Trial Division set
aside; Respondent's counterclaim for damages
incurred by arrest of cargo allowed

October 26, 1994
Supreme Court of Canada

Application for leave to appeal filed

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

Kansa General Insurance Company

v. (24368)

Simcoe & Erie General Insurance Company (B.C.)

NATURE OF THE CASE

Commercial law - Insurance - Co-insurance - Parties each issuing policies covering one insured for professional liability - Respondent claiming contribution from Applicant - Whether Court of Appeal erred in holding that Kansa was liable to contribute - Whether Court of Appeal erred in setting the amount of contribution at 50% of the entire loss - Whether Court of Appeal erred in failing to consider admissions and evidence of the surrounding circumstances and the intention of the insurer and insured.

PROCEDURAL HISTORY

April 9, 1992
Supreme Court of British Columbia
(McKinnon J.)

Respondent's claim against Applicant dismissed

June 28, 1994
Court of Appeal for British Columbia
(Hinds, Hollinrake and Hutcheon JJ.A.)

Appeal allowed

October 27, 1994
Supreme Court of Canada

Application for leave to appeal filed

**Bate Equipment Ltd. and Bate International Services Ltd., and the
said Bate Equipment Ltd. and Bate International Services Ltd.
formerly carrying on business under the firm name and style of Bate
Industrial Services, and the said Bate Industrial Services**

v. (24396)

**Ellis-Don Limited,
The Edmonton School District No. 7,
The Board of Trustees of the Edmonton School
District No. and
H. & C. Holdings Inc. (Alta.)**

NATURE OF THE CASE

Commercial law - Contracts - Damages - Tender - Whether an incorporation by a bidding general contractor of a subcontractor's tender contractually binds that general contractor to the subcontractor upon the subcontractor's tender being accepted - Whether the general conditions in a Canadian Construction Document Committee document dealing with the priority of documents in the event of a conflict override the rules and regulations of a Bid Depository and the decisions of the Management Committee of that Bid Depository relating to the tendering process - Whether a general contractor is able to enter into a construction contract with a disqualified tenderer or a public tenderer when that tenderer was ruled ineligible, prior to general contractors' tenders closing, by the appropriate Bid Depository - Whether the damages suffered by a tenderer named and carried by a general contractor but not awarded the construction subcontract is the cost of preparing its tender or the loss of overhead and profit in not being awarded such contract.

PROCEDURAL HISTORY

July 21, 1992
Court of Queen's Bench of Alberta
(Dea J.)

Applicants' action for damages for a breach of contract dismissed

September 16, 1994
Court of Appeal of Alberta
(Bracco, Stratton and Conrad JJ.A.)

Appeal dismissed

November 10, 1994
Supreme Court of Canada

Application for leave to appeal filed

JANUARY 16, 1995 / LE 16 JANVIER 1995

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

Country Music Television Inc.

v. (24477)

**The Canadian Radio-Television and Telecommunications Commission
and MH Radio/Rawlco Partnership (F.C.A.)(Ont.)**

NATURE OF THE CASE

Administrative law - Procedural law - Broadcasting - Applicant American programming service Country Music Television Inc. removed from the Respondent CRTC's lists of eligible satellite services at the request of the Respondent MH Radio/Rawlco Partnership which was issued a broadcasting licence by the CRTC - Whether the Federal Court of Appeal erred in holding that the CRTC did not breach the principles of natural justice by refusing to allow the Applicant status at the oral hearing which resulted in the Applicant being removed from the eligibility lists.

PROCEDURAL HISTORY

December 20, 1994
Federal Court of Appeal
(Pratte, Strayer and McDonald JJ.A.)

Appeal dismissed

December 29, 1994
Supreme Court of Canada
(Iacobucci J.)

Motion for stay dismissed

January 3, 1995
Supreme Court of Canada

Application for leave to appeal filed

DECEMBER 22, 1994 / LE 22 DÉCEMBRE 1994

23667 **RONALD STUART JONES v. HER MAJESTY THE QUEEN** (Crim.)(Ont.)

CORAM: La Forest, Cory and Iacobucci JJ.

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

La demande de prorogation de délai et la demande d'autorisation d'appel sont accordées.

NATURE OF THE CASE

Criminal law - *Canadian Charter of Rights and Freedoms* - Police - Evidence - Whether the Court of Appeal erred in failing to find a breach of s. 10(b) of the *Charter* because the investigating officer failed to inform the Applicant of his right to immediate legal advice without charge on a temporary basis - Whether the Court of Appeal erred in failing to exclude the certificates of analyses pursuant to s. 24(2) of the *Charter*.

JANUARY 12, 1995 / LE 12 JANVIER 1995

24362 **BOBBY GLENN HOLT - v. - HER MAJESTY THE QUEEN** (Crim.)(Alta.)

CORAM: The Chief Justice and Gonthier and Iacobucci JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Criminal law - Evidence - Defences - Party to the offence - Whether the Court of Appeal erred in law in holding that the trial judge did not err in stating that he was bound to weigh the evidence of flight against the Applicant - Whether the Court of Appeal erred in law in holding that the trial judge did not err in failing to refer to or give any weight to the disposition of the deceased for violence - Whether the Court of Appeal erred in law in dealing with the issues of flight and the disposition of the deceased for violence as distinct from the issues of self-defence and provocation - Whether the Court of Appeal erred in law in confirming the finding of the trial judge that the Applicant was guilty as a party to the offence of murder, as an aider, by virtue of s. 21(1)(b) of the *Criminal Code* (CMS - 39, 55, 46)

24344 **MYRA M.D. SIMANEK - v. - HER MAJESTY THE QUEEN** (Crim.)(Ont.)

CORAM: The Chief Justice and Gonthier and Iacobucci JJ.

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

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

NATURE OF THE CASE

Procedural law - Criminal law - Pre-trial procedure - Appeal - Applicant charged with making harassing phone calls to her dentist contrary to s. 372(3) of the *Criminal Code* - Whether the Court of Appeal erred in law in the circumstances of this case in refusing the application for leave to appeal - Whether the Court of Appeal erred in concluding that there is no question of law alone.

23738 **CANADIAN BROADCASTING CORPORATION v. ATTORNEY GENERAL OF THE PROVINCE OF SASKATCHEWAN** (Sask.)

CORAM: La Forest, Cory 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

Criminal law - *Canadian Charter of Rights and Freedoms* - Procedural law - Young offenders - Evidence - Appeals - Order prohibiting the publication of evidence until all related trials completed granted by Provincial Youth Court of Saskatchewan - Applicant's appeal dismissed - Applicant commencing civil action against the Respondent and applying for order setting aside, or declaring null and void, order of Provincial Court - Whether an order restricting publication of evidence at trial is a legislative or government action within s. 32 of the *Charter* - Whether a member of the media affected by an order restricting publication of evidence at trial has a right to apply to a court of competent jurisdiction for relief under s. 24 of the *Charter* - Whether the media has a right under s. 2(b) of the *Charter* to publish the evidence in court proceedings - Onus on a party propounding a restriction on the right to publish evidence in court proceedings to justify such restriction - Whether the order of the Provincial Court judge is a reasonable restriction of the Applicant's s. 2(b) *Charter* rights.

24212 **PIERRE VILLENEUVE, LEHMAN MANUFACTURING COMPANY CANADA LTD. and MERMAID MARINE ENGINES CANADA LTD. v. CONTINENTAL INSURANCE COMPANY (P.E.I.)**

CORAM: La Forest, Sopinka and Major JJ.

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

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

NATURE OF THE CASE

Commercial law - Guaranty / suretyship - Contracts - Creditor and debtor - Respondent paying defendant as required by surety bond issued in replevin action - Judgment in replevin action being subsequently reversed - Respondent surety seeking reimbursement against Applicants, plaintiffs in replevin action - Rights of surety against principal debtor - Action by surety - Whether the Supreme Court of Prince Edward Island, Appeal Division, erred in law.

24239 **CHRISTOPHER TINKASIMIRE v. ONTARIO WORKERS' COMPENSATION BOARD (Ont.)**

CORAM: La Forest, Sopinka and Major JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Procedural law - *Canadian Charter of Rights and Freedoms* - Labour law - Actions - Workers' compensation - Summary judgment - Applicant not reinstated to his pre-injury employment - Whether the trial court and the Court of Appeal erred in finding that Applicant failed to disclose a cause of action against the Respondent - Whether there was discrimination against the Applicant.

24185 **RONALD TAYLOR v. METROPOLITAN TORONTO HOUSING AUTHORITY** (Ont.)

CORAM: La Forest, Sopinka and Major JJ.

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

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

NATURE OF THE CASE

Procedural law - Civil procedure - Appeal - Applicant's appeal quashed - Whether the Court of Appeal erred in refusing leave to appeal the decision of the Divisional Court dismissing the Applicant's application to set aside the order quashing his appeal.

24202 **MARY ISABEL MORRISSEY v. GERALD MORRISSEY** (P.E.I.)

CORAM: La Forest, Sopinka and Major JJ.

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

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

NATURE OF THE CASE

Family law - Procedural law - Civil procedure - Judgments and orders - Respondent bringing Motion for summary judgment pursuant to Rule 20 of the *Rules of Civil Procedure* of the Supreme Court of P.E.I. - Whether the Courts erred in holding that procedure for summary judgment was available to the Respondent and that there was no genuine issue for a trial pursuant to Rules 20.04(1) and (2) of the *Rules of Civil Procedure* - Whether the Courts erred in not considering the evidence in the discovery proceedings pursuant to Rule 39.04 of the *Rules of Civil Procedure* - Whether the Courts exercised their discretion judicially in considering the evidence.

24231 **BETTY MacNEILL v. ATTORNEY GENERAL OF CANADA** (F.C.A.)

CORAM: La Forest, Sopinka and Major 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

Civil Rights - Jurisdiction - Statutes - Interpretation - *Bona fide* occupational requirement - Applicant's employer sending recommendation to the Public Service Commission that Applicant be released under s. 31 of the *Public Service Employment Act*, R.S.C. 1985, c. P-33, from her position of payment support clerk on the grounds of incapacity to carry out the duties of that position - Whether the Court of Appeal erred in ruling that s. 31 of the *PSE Act* is in no way modified by the *Canadian Human Rights Act*, R.S.C. 1985, c. H-6 - Whether the Court of Appeal erred in ruling that s. 31 of the *PSE Act* is neither inconsistent nor incompatible with the *CHR Act* - Whether the

Court of Appeal erred in ruling that s. 31 of the *PSE Act* constitutes a *bona fide* occupational requirement under the *CHR Act* and that its application did not amount to adverse effect discrimination - Whether the Court of Appeal erred in ruling that the Appeal Board's limited jurisdiction to allow or dismiss an appeal precluded it from considering whether the employer acted in accordance with the *CHR Act* in recommending the release - Whether the Court of Appeal erred in concluding that the Applicant had effectively requested the remedy of accommodation or of an interlocutory injunction pending a determination by the Canadian Human Rights Commission - Whether the Court of Appeal erred in its interpretation and application of the decisions in *Ahmad v. Public Service Commission*, [1974] 2 F.C. 644, and *Clare v. Canada (Attorney General)*, [1993] 1 F.C. 691.

24219 **GILLES CHARLEBOIS v. AMALGAMATED TRANSIT UNION LOCAL 279 - and - OTTAWA-CARLETON REGIONAL TRANSIT COMMISSION** (F.C.A.)

CORAM: La Forest, Sopinka and Major 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 - Procedural law - Statutes - Interpretation - Respondent Union refusing to send Applicant's grievances to arbitration - Section 37 of the *Canada Labour Code*, R.S.C. 1985, c. L-2 - Applicant served late with order setting down the date of hearing of his application for judicial review before the Federal Court of Appeal and requesting an adjournment.

24243 **ELLIS-DON LIMITED v. ONTARIO LABOUR RELATIONS BOARD and INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 894** (Ont.)

CORAM: La Forest, Sopinka and Major 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

Administrative law - Labour law - Judicial review - Jurisdiction - Statutes - Interpretation - Whether s. 111 of the *Labour Relations Act* providing that members of the Ontario Labour Relations Board may not be compelled to testify respecting information obtained in the discharge of their duties applies in this case where Applicant seeks to compel certain members of the Board to be examined concerning procedures followed in arriving at its final decision - Whether threshold level of any exception to s. 111 of the *Labour Relations Act* requires there to be a strong *prima facie* case that natural justice has been violated.

24215 **LONNY JOHN KINDRET v. HER MAJESTY THE QUEEN** (F.C.A.)

CORAM: La Forest, Sopinka and Major JJ.

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

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

NATURE OF THE CASE

Procedural law - Actions - Prescription - Applicant bringing action following events that occurred in 1976 which resulted in his suffering chronic paranoid schizophrenia - Federal Court, Trial Division, striking out the Applicant's statement of claim and ordering that the Applicant be precluded from instituting other proceedings without express written consent of the Associate Chief Justice - Whether the Federal Court erred in dismissing the Applicant's case.

24272 **LYNDA TYNDALL, carrying on business under the firm name and style of 2890575 MANITOBA LTD., WAYNE RADLINSKY and HORATIO BENEVIDES v. MANITOBA LABOUR BOARD and LOCAL UNION 511, SHEETERS, DECKERS & CLADDERS SECTION OF THE SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION** (Man.)

CORAM: La Forest, Sopinka and Major JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Labour law - Labour relations - Certification - Collective agreement - Master/Servant - *Canadian Charter of Rights and Freedoms* - Administrative law - Jurisdiction - Judicial review - Freedom from compelled association - Sections 2 and 7 of the *Charter* - Successor rights and common employer rights - Where a group of employees do not desire to be represented by a trade union but bargaining rights are claimed by the trade union, should a Labour Board, contrary to the express and unanimous wishes of the employees concerned, impose a bargaining agent to act on behalf of the employees.

24285 **CHARLES KIELING, SHAREHOLDER AND AREA SHAREHOLDER; AN AGGRIEVED AREA SHAREHOLDER AT THE BLUMENHOF ELEVATORS AND WITH HIS NAME ON THE BLUMENHOF STATION LIST OF MEMBERS OF SASKATCHEWAN WHEAT POOL ON MAY 10, 1987 v. SASKATCHEWAN WHEAT POOL** (Sask.)

CORAM: La Forest, Sopinka and Major 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 - Civil procedure - Abuse of process - Applicant's action declared to be an abuse of process and struck out - Applicant declared a vexatious litigant pursuant to Rule 662 of the *Queen's Bench Rules* of Saskatchewan - Whether the trial judge and Court of Appeal erred in so finding.

24289 **BRENDA PORTREE v. WOODSMILL HOMES LTD. and PINE HILL MANAGEMENT LTD.** (Man.)

CORAM: La Forest, Sopinka and Major 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 - Damages - Occupiers' liability - Applicant injuring herself in fall on Respondents' property - Whether the Court of Appeal erred by disregarding the trial judge's taking a view of the scene as a basis for finding that the

circumstances constituted a hazard - Whether the Court of Appeal erred in concluding that the trial judge fell into palpable error in his conclusion - Whether the Court of Appeal exceeded the role of an appellate court by reversing the trial judge's conclusion based on the assessment of facts.

24300 **WOO INVESTMENTS INC., GARRY WOO, DOUGLAS WOO, CANADIAN IMPERIAL BANK OF COMMERCE and HER MAJESTY THE QUEEN IN RIGHT OF CANADA v. CONFEDERATION LIFE INSURANCE COMPANY** (Sask.)

CORAM: La Forest, Sopinka and Major 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 - Mortgages - Evidence - Trial - Trial *de novo* held where trial judge considered himself bound by the findings of fact of the first trial - Court of Appeal held the trial judge of trial *de novo* misapprehended his mandate - Court of Appeal made its own findings of fact rather than sending matter back for third trial - Whether findings of fact of previous trial judge may be considered in a trial *de novo* of the same matter - Whether it is appropriate for the Court of Appeal to substitute its own finding of facts where trial judge made no palpable or overriding error - Whether there is a substantive basis for ordering a trial *de novo* with respect to questions of fact where there is no palpable or overriding error in the factual basis on a decision.

24282 **MARY DELPHINE SCHOFIELD, by Paul Schofield her legally appointed committee, MARK WAYNE SCHOFIELD, PAMELA DELPHINE SCHOFIELD, RENE ERSULLA SCHOFIELD, CINDY MARIE SCHOFIELD, by Paul Schofield their litigation guardian, and PAUL SCHOFIELD v. PAUL A. SMITH, M.D. and J.R. UNDERELL, M.D.** (N.B.)

CORAM: La Forest, Sopinka and Major 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 - Torts - Negligence - Defence - Whether the Court of Appeal erred in finding that it had jurisdiction to order a new hearing before a different panel of the same court - Whether the Courts erred in the application of the defence of "error of judgment" and in failing to find negligent the actions of the Respondent Dr. Underell in failing to read the obvious symptoms of and diagnose anaphylaxis quickly enough and use adequate epinephrine in resuscitating the Applicant Mary Delphine Schofield.

JANUARY 19, 1995 / LE 19 JANVIER 1995

24279 **COOPERS & LYBRAND LIMITED, Trustee of the Estate of ZUTPHEN BROS. CONSTRUCTION LTD. v. BRUNCOR LEASING INC.** (N.S.)

CORAM: La Forest, Sopinka and Major 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

Commercial law - Bankruptcy - Statutes - Interpretation - Proposal - Trustee had disallowed claim for security in a proposal because of failure to comply with provincial registration legislation - Whether Court of Appeal erred in holding that s. 66(1) of the *Bankruptcy and Insolvency Act* applies to make other provisions of the *Act* applicable to a proposal only where the terms of the proposal provide for it - Whether Court of Appeal erred in holding that in effect a contract resulting from the acceptance of a proposal is not subject to the *Bankruptcy and Insolvency Act* unless the terms of the proposal provide for it - Whether role, function, duties and responsibilities of a trustee under a proposal defined exclusively by the terms of the proposal and not the provisions of the *Bankruptcy and Insolvency Act*.

24356 **LIONEL DESAULNIERS c. SA MAJESTÉ LA REINE** (Crim.)(Qué.)

CORAM: Les juges L'Heureux-Dubé, Sopinka et McLachlin

La demande d'autorisation d'appel est rejetée.

The application for leave to appeal is dismissed.

NATURE DE LA CAUSE

Droit criminel - Preuve - Agression sexuelle - Crédibilité des témoins - Connaissance judiciaire - La Cour d'appel a-t-elle erré en ne statuant pas que le juge du procès avait commis une erreur de droit en prenant connaissance d'office de la preuve d'expert contenue dans le jugement rendu dans *R. c. Gilles Benoit* no 700-01-001093-894? - La Cour d'appel a-t-elle erré en ne statuant pas que le juge du procès avait commis une erreur de droit en prenant connaissance d'office du livre *Précis de pharmacologie*? - La Cour d'appel a-t-elle erré en appliquant l'article 686(1)b(iii) du *Code criminel* malgré l'effet cumulatif des erreurs de droit commises par le juge du procès qui a pris connaissance d'office du *Rapport Badgley* et de l'ouvrage intitulé *Abus sexuels*.

24330 **SIMCOE ERIE GROUP v. BARTON MYERS AND BARTON MYERS ARCHITECT INC.**
(Ont.)

CORAM: L'Heureux-Dubé, Sopinka and McLachlin 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

Commercial law - Insurance - Damages - Actions - Interpretation of professional liability insurance contract - Whether insurer required to defend professional insureds in action for return of fees and damages if a defence and set-off relating to alleged negligence against the professional insured is successful - Whether insurer required to defend professional insureds in actions for return of fees and damages even though the insured cannot be liable to pay any damages for an alleged error or omission by the professional insured.

24350 **SA MAJESTÉ LA REINE c. ROGER AUBIN** (Crim.)(Qué.)

CORAM: Les juges L'Heureux-Dubé, Sopinka et McLachlin

La demande d'autorisation d'appel est rejetée.

The application for leave to appeal is dismissed.

NATURE DE LA CAUSE

Droit criminel - Preuve - Preuve circonstancielle - Pertinence de la preuve, force probante et préjudice pour l'accusé - Critère d'admissibilité d'une preuve - Admissibilité en preuve de l'arme saisie au moment de l'arrestation du demandeur en l'absence de preuve établissant de façon précise l'identité de l'arme causant la mort de la victime - La Cour d'appel du Québec a-t-elle erré en droit dans la détermination du critère d'admissibilité d'une preuve?

24380 **JASON PETER CHABA v. HER MAJESTY THE QUEEN** (Crim.)(Alta.)

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

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Criminal law - Offences - Uttering death threats - Whether Court of Appeal erred in dismissing Applicant's appeal where there was no evidence that the Applicant did anything which could reasonably be construed as a threat to cause death or serious bodily harm - Whether Court of Appeal erred in failing to allow the appeal on the basis that the trial judge's verdict was unreasonable or could not be supported by the evidence.

24331 **CRAIG LAWSON v. HER MAJESTY THE QUEEN** (Crim.)(B.C.)

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

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

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

NATURE OF THE CASE

Criminal law - Commercial law - Fraud - Similar Fact Evidence - Jury Charge - Applicant convicted of 25 counts of fraud in relation to the business of land development and financing house construction - Whether the Court of Appeal erred in failing to find that the trial judge had not instructed the jury properly when he stated that if they found similarities in the evidence they could use the similarities in determining whether the Applicant had the intention to defraud.

6.12.1994

Before / Devant: CHIEF JUSTICE LAMER

Motion to state a constitutional question**Requête pour énoncer une question constitutionnelle**

Reference Re: Residential Tenancies Act

(N.S.)(24276)

Alexander M. Cameron and Steve Grace, for the motion.

D. A. Thompson, for the respondent.

With the consent of the parties.

GRANTED / ACCORDÉE Notices of intention to intervene are to be filed by January 20, 1995.

1. Are the unproclaimed provisions of An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act, S.N.S. 1992, c. 31 (the "Act"), within the legislative jurisdiction of the House of Assembly of Nova Scotia to the extent that those provisions confer authority respecting residential tenancies upon persons other than judges appointed pursuant to s. 96 of the Constitution Act, 1867, and, most particularly, are the following provisions of the Act within the legislative jurisdiction of the House of Assembly of Nova Scotia:

7 The heading immediately preceding Section 13 and Sections 13 to 17 of said Chapter 401 are repealed and the following headings and Sections substituted therefor:

APPLICATION OF DIRECTOR

13 (1) Where a person applies to the Director

(a) to determine a question arising under this Act; or

(b) alleging a breach of a tenancy agreement or a contravention of a provision of this Act,

and, not more than ninety days after the termination of the tenancy, files with the Director the form prescribed by the regulations, together with the fee, if any, prescribed by the regulations, the Director is the exclusive authority, at first instance, to investigate and endeavour to mediate a settlement.

(2) Upon making an application pursuant to subsection (1), the applicant shall, in accordance with the regulations, serve the other parties to the matter with a copy of the application.

(3) The Director may, on the Director's own initiative, investigate and determine a matter arising pursuant to a tenancy agreement or this Act.

(4) In exercising authority pursuant to this Section, the Director may determine and adopt the most expeditious method of investigating, mediating and determining a matter.

(5) On receiving an application pursuant to subsection (1), the Director shall investigate and, subject to subsections (7) and (8), endeavour to mediate a settlement of the matter.

(6) If a matter is settled by mediation, the Director shall make a written record of the settlement which shall be signed by both parties and which is binding on the parties and is not subject to appeal.

(7) If, after investigating the matter, the Director is of the opinion that the parties are unlikely to settle it by mediation within fourteen days, or if the matter is urgent and it involves the safety or security of the landlord, the tenant or other tenants, the Director may make a decision or order in accordance with Section 14.

(8) The Director may refuse to accept an application or continue a proceeding where, in the Director's opinion, the matter is trivial, frivolous, vexatious or has not been initiated in good faith, and may, subject to the approval of the Minister, issue an order to that effect.

- (9) An applicant may withdraw an application at any time before an order or decision is made.
- (10) For greater certainty, the landlord and the tenant have the right to be represented by legal counsel at any stage of the proceedings.
- 14 (1) A decision or order made by the Director pursuant to Section 13 may
- (a) require a landlord or tenant to comply with a lease or an obligation pursuant to this Act;
 - (b) require a landlord or tenant not to again breach a lease or an obligation pursuant to this Act;
 - (c) require any repair or action to be taken by the landlord or tenant to remedy a breach, and require the landlord or tenant to pay any reasonable expenses associated with the repair or action;
 - (d) order compensation to be paid for any loss that has been suffered or will be suffered as a direct result of the breach;
 - (e) terminate the tenancy on a date specified in the order and order the tenant to vacate the residential premises on that date;
 - (f) determine the disposition of a security deposit;
 - (g) direct that the tenant pay the rent in trust to the Director pending the performance by a landlord of any act the landlord is required by law to perform.
- (2) A decision or order made by the Director pursuant to Section 13 is, and is deemed to be, when no appeal is made pursuant to Section 15 within the time provided by that Section, a decision or order of a board.

APPEALS

- 15 (1) Except as otherwise provided in this Act, any person, directly affected by a decision or order of the Director, may appeal the decision or order to the residential tenancies board for the area in which the residential premises to which the decision or order relates are situate.
- (2) An appeal may be commenced by filing with the Director, within ten days of the making of the decision or order, a notice of appeal in the form prescribed by the regulations and paying to the Director, within the said period of ten days a fee in the amount prescribed by the regulations.
- (3) The appellant shall, in the manner prescribed by the regulations, give a copy of the notice of appeal to all persons directly affected by the decision or order.
- (4) The Board shall give reasonable notice of the hearing to the parties by public notice given in the manner prescribed by the regulations, by personal service or by registered mail.
- (5) The board shall conduct a hearing in respect of a matter for which a notice of appeal is filed.
- (6) The board shall determine its own practice and procedure but shall give full opportunity for the parties to present evidence and make submissions.
- (7) The board may conduct a hearing orally, including by telephone, or in writing or partly in writing and partly orally.
- (8) Evidence may be given before the board in any manner that the board considers appropriate, and the board is not bound by rules of law respecting evidence applicable to judicial proceedings.

- 16 (1) Within seven days of holding a hearing pursuant to Section 15, the board shall
- (a) confirm, vary or rescind the decision or order of the Director;
 - (b) make any decision or order that the Director could have made.
- (2) The board shall compile a record of a hearing which shall consist of
- (a) the decision or order of the Director that was appealed from;
 - (b) the notice of appeal to the board;
 - (c) the notice of hearing by the board;
 - (d) any written submissions received by the board; and
 - (e) the decision or order of the board and any reasons for the decision or order.

...

- 17A (1) Subject to subsections (2) and (3), any person who is a party to an appeal to a board pursuant to this Act may, if that person took part in the hearing, appeal the decision or order of the board to the Appeal Division of the Supreme Court.
- (2) An appeal pursuant to this Section may only be taken on a question of law or jurisdiction and only with leave obtained from a judge of the Appeal Division of the Supreme Court.
- (3) An application for leave to appeal shall be made within fourteen days of the decision or order of the board or within such further time as the judge allows.
- (4) The board is entitled to be heard, by counsel or otherwise, on the argument of an application for leave to appeal and on an appeal pursuant to this Section.
- (5) The Appeal Division of the Supreme Court, on hearing an appeal pursuant to this Section, may
- (a) make any decision or order that in its opinion ought to have been made;
 - (b) quash, vary or confirm the decision of the board;
 - (c) refer the matter back to the board with the direction of the Court.

- 8 (2) Subsections (3) and (4) of said Section 18 are repealed and the following subsections substituted therefor:

...

(4B) It is the function of a board and the board has the power to hear appeals from decisions or orders of the Director.

2. If the aforesaid provisions of the Act are not within the legislative jurisdiction of the House of Assembly of Nova Scotia, in what particular respects are those provisions *ultra vires*.
1. L'Assemblée législative de la Nouvelle-Écosse est-elle compétente pour adopter les dispositions non proclamées de An Act to Amend Chapter 401 of the Revised Statutes, 1989, the Residential Tenancies Act, S.N.S. 1992, ch. 31 (la «Loi»), dans la mesure où ces dispositions confèrent une compétence, en matière de location résidentielle, à des personnes autres qu'un juge nommé conformément à l'art. 96 de la Loi constitutionnelle de 1867, et, plus particulièrement, l'Assemblée législative de la Nouvelle-Écosse est-elle compétente pour adopter les dispositions suivantes de la Loi?

7 Les articles 13 à 17 du chapitre 401 et l'intertitre qui précède l'article 13 sont abrogés et remplacés par ce qui suit :

DEMANDE AU DIRECTEUR

- 13 (1) Le directeur a compétence exclusive en première instance pour enquêter et agir en qualité de médiateur lorsque, au plus tard quatre-vingt dix jours après l'expiration d'une location, une personne dépose auprès du directeur une demande, dans le formulaire prescrit par règlement et les droits, le cas échéant, prescrits par règlement
- a) pour qu'il tranche une question soulevée sous le régime de la présente loi;
 - b) alléguant un manquement à une convention de location ou à une disposition de la présente loi.
- (2) Conformément au règlement, le demandeur signifie aux parties concernées une copie de la demande visée au paragraphe (1).
- (3) Le directeur peut d'office enquêter et statuer sur une affaire relative à une convention de location ou à la présente loi.
- (4) Dans l'exercice de la compétence qui lui est conférée au présent article, le directeur peut adopter la méthode la plus rapide pour agir à titre de médiateur, enquêter et statuer sur l'affaire.
- (5) Sur réception d'une demande visée au paragraphe (1), le directeur enquête et, sous réserve des paragraphes (7) et (8), tente par médiation de régler l'affaire.
- (6) En cas de règlement par médiation, le directeur inscrit dans un registre le règlement signé par les deux parties, lequel règlement lie les parties et est sans appel.
- (7) Si, au terme d'une enquête, le directeur est d'avis qu'il n'est guère probable que les parties arrivent à un règlement par médiation dans les quatorze jours, ou si l'affaire est urgente et compromet la sécurité du locateur, du locataire ou d'autres locataires, le directeur peut rendre une décision ou une ordonnance conformément à l'article 14.
- (8) Le directeur peut rejeter une demande ou refuser de continuer toute instance si, à son avis, elle est futile, frivole ou vexatoire, ou n'a pas été introduite de bonne foi; il peut, sous réserve de l'approbation du ministre, rendre une ordonnance à cet égard.
- (9) L'auteur d'une demande peut retirer celle-ci à n'importe quel moment avant qu'une décision ou une ordonnance soit rendue.
- (10) Il est entendu que le locateur et le locataire peuvent être représentés par un avocat à toute étape des procédures.
- 14 (1) Le directeur peut, lorsqu'il rend une décision ou une ordonnance conformément à l'article 13
- a) enjoindre au locateur ou au locataire de respecter le bail ou une obligation prévue à la présente loi;
 - b) interdire au locateur ou au locataire de manquer de nouveau au bail ou à une obligation prévue dans la présente loi;
 - c) enjoindre au locateur ou au locataire d'effectuer une réparation ou de prendre une mesure en vue de corriger un manquement, et contraindre le locateur ou le locataire à payer des dépenses raisonnables liées à la réparation ou à la mesure prise;
 - d) imposer le paiement d'une compensation pour toute perte subie ou à subir comme conséquence directe du manquement;
 - e) annuler la location à une date qu'il précise dans l'ordonnance et ordonner au locataire de quitter les locaux résidentiels à cette date;

f) déterminer la façon dont il convient de disposer du cautionnement;

g) ordonner au locataire de payer le loyer en fiducie au directeur jusqu'à ce que le locateur s'acquitte d'une obligation légale.

(2) La décision ou l'ordonnance rendue par le directeur conformément à l'article 13 est, ou est réputée être, si aucun appel n'est interjeté en vertu de l'article 15 dans le délai prescrit, une décision ou une ordonnance de la commission.

APPELS

15 (1) Sauf disposition contraire de la présente loi, quiconque est directement concerné par une décision ou une ordonnance du directeur peut en appeler à la commission de location résidentielle de la région dans laquelle sont situés les locaux résidentiels visés par la décision ou l'ordonnance.

(2) Dans les dix jours de la décision ou de l'ordonnance, l'appelant dépose auprès du directeur un avis d'appel en la forme prescrite par règlement et lui verse les droits prescrits par règlement.

(3) L'appelant donne, dans la forme prescrite par règlement, une copie de l'avis d'appel à toutes les personnes directement concernées par la décision ou l'ordonnance.

(4) La commission donne un avis raisonnable de l'audition aux parties par avis public en la forme prescrite par règlement, par signification de personne à personne ou par courrier recommandé.

(5) La commission tient une audition.

(6) La commission détermine ses propres pratiques et procédures et donne la possibilité aux parties de présenter une preuve et des arguments.

(7) La commission peut tenir l'audition oralement, notamment par téléphone, ou par écrit, ou à la fois par écrit et oralement.

(8) La commission reçoit les témoignages de la façon qu'elle juge appropriée, et elle n'est pas liée par les règles de preuve applicables aux procédures judiciaires.

16 (1) Dans les sept jours suivant l'audition tenue conformément à l'article 15, la commission

a) confirme, modifie ou annule la décision ou l'ordonnance du directeur;

b) rend toute décision ou ordonnance que le directeur aurait pu rendre;

(2) La commission dresse un dossier de l'audition, lequel comprend

a) la décision ou l'ordonnance du directeur visée par l'appel;

b) l'avis d'appel à la commission;

c) l'avis de l'audition par la commission;

d) tous les arguments écrits reçus par la commission;

e) la décision ou l'ordonnance de la commission et tout motif à l'appui de celle-ci.

17A (1) Sous réserve des paragraphes (2) et (3), quiconque est partie à un appel à la commission conformément à la présente loi peut, s'il a participé à l'audition, interjeter appel de la décision ou de l'ordonnance de la commission à la Division d'appel de la Cour suprême.

(2) Il ne peut être interjeté appel à la Division d'appel conformément au présent article que sur une question de droit ou de compétence, et uniquement avec l'autorisation d'un juge de la Division d'appel de la Cour suprême.

(3) La demande d'autorisation d'appel est présentée dans les quatorze jours de la décision ou de l'ordonnance de la commission ou dans le délai prescrit par le juge.

(4) La commission a le droit d'être entendue, par l'entremise d'un avocat ou autrement, lors de la présentation d'une demande d'autorisation d'appel ou d'un appel interjeté conformément au présent article.

(5) Suivant l'audition d'un appel interjeté conformément au présent article, la Division d'appel de la Cour suprême peut

a) rendre toute décision ou ordonnance qui, de son avis, aurait dû être rendue;

b) annuler, modifier ou confirmer la décision de la commission;

c) renvoyer l'affaire à la commission avec des directives.

8 (2) Les paragraphes (3) et (4) de l'article 18 sont abrogés et remplacés par ce qui suit :

(4B) La commission a le pouvoir et la responsabilité d'entendre les appels interjetés à l'encontre des décisions ou ordonnances du directeur.

2. Si l'Assemblée législative n'est pas compétente pour adopter les dispositions précédentes de la Loi, à quels égards ces dispositions sont-elles *ultra vires*?

14.12.1994

Before / Devant: McLACHLIN J.

Motion for leave to intervene

BY/PAR: Attorney General of Canada

IN/DANS: Derik Christopher Lord

v. (23943)

Her Majesty the Queen (B.C.)

Requête en autorisation d'intervention

Robert Frater for the motion.

Henry S. Brown, Q.C., for the appellant.

Jennifer Mackinnon for the respondent.

GRANTED / ACCORDÉE Oral argument is not to exceed 20 minutes and the factum is not to exceed 20 pages to be filed no later than January 25, 1995. The appellant may file a reply 2 weeks thereafter.

15.12.1994

Before / Devant: MAJOR J.

**Motion to permit filing of an appellant reply
factum**

Dow Corning Corporation

v. (23776)

Susan Hollis et al. (B.C.)

GRANTED / ACCORDÉE

15.12.1994

Before / Devant: THE REGISTRAR

**Requête en autorisation de dépôt par l'appelante
d'un mémoire en réplique**

Derek J. Mullen, Q.C., for the motion.

Karen Cuddy for Susan Hollis.

No position taken by the respondent John Robert
Birch.

Motion to extend the time in which to file a case on appeal and appellant's factum

Requête en prorogation du délai de dépôt du dossier et le mémoire de l'appellant

William Robert Doucet

With the consent of the parties.

v. (24120)

Her Majesty the Queen (Man.)

GRANTED / ACCORDÉE Time extended to October 14, 1994 to file the case on appeal and to November 18, 1994 to file the appellant's factum.

16.12.1994

Before / Devant: CHIEF JUSTICE LAMER

**Motion for an order that this appeal is to be
deemed not abandoned**

Heidi M. Harrer

v. (24141)

Her Majesty the Queen (B.C.)

GRANTED / ACCORDÉE

**Requête en déclaration que le présent appel est
censé ne pas avoir été abandonné**

With the consent of the parties

16.12.1994

Before / Devant: MAJOR J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Attorney General of Canada

IN/DANS: Hubert Patrick O'Connor

v. (24114)

Her Majesty the Queen (B.C.)

GRANTED / ACCORDÉE Oral argument is limited to 15 minutes.

16.12.1994

Before / Devant: CHIEF JUSTICE LAMER

**Motion for an order that this appeal is to be
deemed not abandoned**

**Requête en déclaration que le présent appel est
censé ne pas avoir été abandonné**

William Robert Doucet

With the consent of the parties.

v. (24120)

Her Majesty the Queen (Man.)

GRANTED / ACCORDÉE on condition that the appeal be ready to proceed in the Winter Term.

16.12.1994

Before / Devant: CHIEF JUSTICE LAMER

Motion for additional time to present oral argument

Requête en prorogation du temps accordé pour la plaidoirie

Ontario Home Builders' Association et al.

With the consent of the parties.

v. (24085)

The York Region Board of Education et al. (Ont.)

GRANTED / ACCORDÉE Each party will have 2 hours to argue.

19.12.1994

Before / Devant: SOPINKA J.

Miscellaneous motion pursuant to Rule 27

Roland Home Improvements Ltd. et al.

v. (24442)

Royal Bank of Canada (Ont.)

Autre requête présentée conformément à la règle 27

Marjan Aghaipour for the motion.

William Sasso for the Royal Bank of Canada.

Howard Yegendorf for the Municipal Savings & Loan Corp.

DISMISSED / REJETÉE

The Municipal Savings was served with the notice of application and appeared to contest it. It should be added as a party to the application. The application is dismissed with costs to the Royal Bank & Municipal Savings on a party and party basis. Dismissal of this application is not to be taken as a determination of the propriety of proceedings to set aside or appeal the order of Rutherford J. by appropriate proceedings.

15.12.1994

Before / Devant: SOPINKA, IACOBUCCI and MAJOR JJ.

Motion for a stay of execution

National Parole Board et al.

v. (24436)

Ian Ross Mooring (B.C.)

DISMISSED / REJETÉE

The application for leave to appeal is granted. The appellants are to advise the Attorneys General of the Provinces of this appeal. The appeal is to be heard on an expedited basis.

Requête en vue de surseoir à l'exécution

S. David Frankel, Q.C., for the motion.

Jeffrey Roy, contra.

16.12.1994

Before / Devant: CHIEF JUSTICE LAMER

Motion to state a constitutional question**Requête pour énoncer une question constitutionnelle**

Ontario Home Builders' Association et al.

v. (24085)

The York Region Board of Education et al. (Ont.)

GRANTED / ACCORDÉE Questions 1 & 2 only are stated. Notices of intention to intervene are to be filed by January 23, 1995.

1. Is Part III of the *Development Charges Act*, R.S.O. 1990 c. D.9 (the "Act"), which authorizes public and separate school boards to impose education development charges, *ultra vires* the Legislature of Ontario in that it:
 - (i) prejudicially affects a right or privilege with respect to denominational schools which any class of persons have by law in the province at the union contrary to s. 93(1) of the *Constitution Act, 1867*; or
 - (ii) authorizes the imposition of an indirect tax contrary to s. 92(2) of the *Constitution Act, 1867*;
 2. (i) Is Part III of the Act contrary to ss. 2(a) and 15(1) of the *Canadian Charter of Rights and Freedoms* (the "Charter")?
 - (ii) If the answer to question 2(i) is affirmative, is Part III of the Act saved by s. 1 of the *Charter* as a reasonable limit, prescribed by law as can be demonstrably justified in a free and democratic society?
-
1. La partie III de la *Loi sur les redevances d'exploitation*, L.R.O. 1990, ch. D.9 (la «Loi»), qui autorise les conseils d'écoles séparées et les conseils d'écoles publiques à imposer des redevances d'exploitation relatives à l'éducation, excède-t-elle la compétence de la Législature de l'Ontario pour le motif
 - (i) qu'elle préjudicie à un droit ou privilège conféré par la loi, lors de l'Union, à quelque classe particulière de personnes dans la province relativement aux écoles confessionnelles, contrairement au par. 93(1) de la *Loi constitutionnelle de 1867*? ou
 - (ii) qu'elle autorise l'imposition d'une taxe indirecte, contrairement au par. 92(2) de la *Loi constitutionnelle de 1867*?
 2. (i) La partie III de la Loi contrevient-elle à l'al. 2a) et au par. 15(1) de la *Charte canadienne des droits et libertés* (la«Charte»)?
 - (ii) Si la réponse à la question 2(i) est affirmative, la partie III de la Loi est-elle sauvegardée par l'article premier de la *Charte*, à titre de limite raisonnable prescrite par une règle de droit et dont la justification peut se démontrer dans le cadre d'une société libre et démocratique?

20.12.1994

Before / Devant: LA FOREST J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Council of Canadians with
Disabilities

IN/DANS Betty MacNeill

v. (24231)

Attorney General of Canada
(F.C.A.)(Ont.)

DISMISSED / REJETÉE

20.12.1994

Before / Devant: THE REGISTRAR

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

Bert Edward Whitmell et al.

v. (24388)

James Ritchie et al. (Ont.)

GRANTED / ACCORDÉE Time extended to December 2, 1994.

**Requête en prorogation du délai de signification
et de dépôt de la réponse d'un intimé**

With the consent of the parties.

20.12.1994

Before / Devant: THE REGISTRAR

**Motion to extend the time in which to file the
factum of respondent Telecommunications
Workers' Union**

**Requête en prorogation du délai imparti pour
déposer le mémoire de l'intimé
Telecommunications Workers' Union**

Shaw Cable Systems (B.C.) Ltd. et al.

With the consent of the parties.

v. (23717)

British Columbia Telephone Co. et al. (B.C.)

GRANTED / ACCORDÉE Time extended to December 2, 1994.

20.12.1994

Before / Devant: THE REGISTRAR

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

**Requête en prorogation du délai de signification
et de dépôt de la réplique du requérante**

Bate Equipment Ltd. et al.

v. (24396)

Ellis-Don Limited et al. (Alta.)

GRANTED / ACCORDÉE Time extended to December 16, 1994.

21.12.1994

Before / Devant: THE REGISTRAR

Motion to extend the time in which to file a case on appeal and appellant's factum

Requête en prorogation du délai imparti pour déposer le dossier et le mémoire de l'appelant

William B. Stinchcombe

With the consent of the parties

v. (24117)

Her Majesty the Queen (Alta.)

GRANTED / ACCORDÉE Time extended to December 20, 1994.

22.12.1994

Before / Devant: THE REGISTRAR

Motion to reduce the number of copies of the case on appeal to be filed

Church of Scientology of Toronto et al.

v. (24216)

S. Casey Hill (Ont.)

Requête visant le dépôt d'un nombre réduit d'exemplaires du dossier d'appel

Henry S. Brown, Q.C., for the motion.

John Koch, contra.

Martine Band for Morris Manning.

GRANTED / ACCORDÉE In order to avoid the proliferation of supplementary cases on appeal and to reduce the number of pages being produced, it is ordered that twelve (12) copies of the case on appeal as produced in the Court of Appeal and twenty-four (24) copies of the supplementary case on appeal be filed with the Court by January 10, 1995.

22.12.1994

Before / Devant: McLACHLIN J.

**Motion to extend the time for leave to intervene
and for leave to intervene**

BY/PAR The Canadian Red Cross Society

IN/DANS: Kobe ter Neuzen

v. (23773)

Dr. Gerald Korn (B.C.)

**Requête en prorogation du délai pour la demande
d'autorisation et demande d'autorisation
d'intervention**Anil Varma and Peter K. Boeckle for the
Canadian Red Cross Society.D.A. Webster, Q.C., and Don J. Holubitsky for
the Canadian Hospital Association.

B.A. Crane, Q.C., for the respondent.

James Minnes for the appellant.

Kenneth Arenson, for the HIV-T Group

GRANTED / ACCORDÉES The intervener may file a 20 page factum only. There will be no order as to costs on this motion. Costs on the appeal are to be determined by the Court.

22.12.1994

Before / Devant: McLACHLIN J.

**Motion to extend the time for leave to intervene
and for leave to intervene**BY/PAR The Canadian Hospital
AssociationIN/DANS: Kobe ter Neuzen
v. (23773)

Dr. Gerald Korn (B.C.)

**Requête en prorogation du délai pour la demande
d'autorisation et demande d'autorisation
d'intervention**Anil Varma and Peter K. Boeckle for the
Canadian Red Cross Society.D.A. Webster, Q.C., and Don J. Holubitsky for
the Canadian Hospital Association.

B.A. Crane, Q.C., for the respondent.

James Minnes for the appellant.

Kenneth Arenson, for the HIV-T Group

GRANTED / ACCORDÉES The intervener may file a 20 page factum only. There will be no order as to costs on this motion. Costs on the appeal are to be determined by the Court.

29.12.1994

Before / Devant: THE REGISTRAR

Miscellaneous motion on appeal accepting respondent's factum without marginal numbering

Her Majesty the Queen

v. (23940)

Crown Forest Industries Ltd. (F.C.A.)(Ont.)

GRANTED / ACCORDÉE

Autre requête en appel visant à accepter le mémoire de l'intimée sans numérotation dans la marge

With the consent of the parties.

29.12.1994

Before / Devant: THE REGISTRAR

Motion to extend the time in which to serve and file the respondents' reply

Reddy Rajagopal Chavali, et al.

v. (24461)

Kanny Ng, et al. (Ont.)

GRANTED / ACCORDÉE Time to file response of respondents Scott & Ayles, Royal Trust Corp., Robert Gammon, Nelligan / Power and David Chick extended to January 25, 1995.

Requête en prorogation du délai de signification et de dépôt de la réplique des intimés

With the consent of the parties.

29.12.1994

Before / Devant: IACOBUCCI J.

Motion for a stay of execution

Country Music Television, Inc.

v. (24477)

Canadian Radio-Television and
Telecommunications Commission et al.
(F.C.A.)(Ont.)

DISMISSED / REJETÉE

The application for expediting the application for leave to appeal is granted; the respondent shall have until January 9, 1995 to serve and file its response and the applicant shall have until January 11, 1995 to serve and file its reply.

Requête en vue de surseoir à l'exécution

B.A. Crane, Q.C. and Ronald D. Lunau for the
motion.

Sylvie Courtemanche, for C.R.T.C.

Richard Storrey & Robert Malcolmson for M.H.
Radio.

30.12.1994

Before / Devant: LE JUGE IACOBUCCI

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

Fraternité des Policiers de la Communauté Urbaine de Montréal et al.

c. (24445)

Communauté Urbaine de Montréal (Qué.)

ACCORDÉE / GRANTED Délai prorogé au 30 novembre 1994.

Motion to extend the time in which to serve and file a motion for leave to appeal

Avec le consentement des parties.

3.1.1995

Before / Devant: CHIEF JUSTICE LAMER

Motion for an order that this appeal is to be deemed not abandoned

Requête en déclaration que le présent appel est censé ne pas avoir été abandonné

Francisco Javier Uriol

With the consent of the parties.

v. (24159)

Her Majesty the Queen (Ont.)

GRANTED / ACCORDÉE on condition that the appellant's factum be filed no later than January 9, 1995 and that the appeal be ready to proceed at the Spring Term.

3.1.1995

Before / Devant: CHIEF JUSTICE LAMER

Motion for an order that this appeal is to be deemed not abandoned

Requête en déclaration que le présent appel est censé ne pas avoir été abandonné

William B. Stinchcombe

With the consent of the parties.

v. (24117)

Her Majesty the Queen (Alta.)

GRANTED / ACCORDÉE on condition that this appeal be ready to be heard in March 1995.

4.1.1995

Before / Devant: THE REGISTRAR

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

**Requête en prorogation du délai imparti pour
déposer le mémoire de l'appelant**

F.J.U.

With the consent of the parties.

v. (24159)

Her Majesty the Queen (Ont.)

GRANTED / ACCORDÉE Time extended to January 9, 1995.

4.1.1995

Before / Devant: THE REGISTRAR

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

Kwong Hung Chan

v. (23813)

Minister of Employment & Immigration
(F.C.A.)(B.C.)

GRANTED / ACCORDÉE Time extended to December 21, 1994.

Requête en prorogation du délai imparti pour déposer le mémoire de l'intimé

With the consent of the parties.

4.1.1995

Before / Devant: LE REGISTRAIRE

Requête en prorogation du délai de signification et de dépôt de la réplique de l'intimé

Commission Scolaire les Écores

c. (24456)

Le Syndicat de l'enseignement de la région des Mille-Îles et al. (Qué.)

ACCORDÉE / GRANTED Délai prorogé au 16 janvier 1995.

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

Avec le consentement des parties.

4.1.1995

Before / Devant: LE REGISTRAIRE

Requête en prorogation du délai de signification et de dépôt de la réplique de l'intimé

Lucien Thibodeau

c. (24468)

Corporation Municipale de Ste-Julienne (Qué.)

ACCORDÉE / GRANTED Délai prorogé au 2 février 1995.

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

Avec le consentement des parties.

6.1.1995

Before / Devant: CHIEF JUSTICE LAMER

Motion for an order that this appeal is to be deemed not abandoned

Requête en déclaration que le présent appel est censé ne pas avoir été abandonné

Lucien Cleghorn

With the consent of the parties.

v. (24248)

Her Majesty the Queen (Ont.)

GRANTED / ACCORDÉE on condition that both parties be ready to proceed at the beginning of the Spring Term.

4.1.1995

Before / Devant: LA FOREST J.

Miscellaneous motion

Thomas P. Walker et al.

v. (23861)

Government of P.E.I. (P.E.I.)

Autre requête

Robert C. Morrow for the motion.

Maurice C. Cullity, Q.C. for the Certified General Accountants Association of Ontario

GRANTED / ACCORDÉE

Leave is granted for cross-examination of affidavit of Shirley Riley, limited to these specific questions:

1. Ascertaining particulars of the relationship between CGAA-Ontario and CGAA-Canada;
2. The role and knowledge of the President of CGAA-Ontario with respect to the activities and decisions of CGAA-Canada; including its (CGAA-Canada's) involvement and participation, if any, in the current proceedings; but excluding any questions relating to financial assistance provided to the Appellants, or either of them;
3. No order as to costs.

5.1.1995

Before / Devant: CHIEF JUSTICE LAMER

Motion for directions**Demande pour obtenir des directives**

David Attis

v. (24002)

Board of School Trustees, District No. 15 et al.
(N.B.)

GRANTED / ACCORDÉE

1. The motion for leave to file a common Appeal Book for the three appeals is granted.
2. The motion that the three appeals be scheduled to be heard concurrently is granted.
3. The motion for an order allotting time for argument and assigning the order of argument for the appeals is hereby adjourned to be determined following the inscription of the appeals for hearing.

10.1.1995

Before / Devant: LA FOREST J.

Motion for leave to intervene

BY/PAR: Manitoba Coalition on Children's
Rights et al.

IN/DANS: Verlie Ann Halcrow
v. (23542)

Her Majesty the Queen (B.C.)

Requête en autorisation d'intervention

Heather Perkins-McVey for the motion.

Henry S. Brown, Q.C. for the appellant.

W.G. Burke-Robertson, Q.C. for the respondent.

DISMISSED / REJETÉE

10.1.1995

Before / Devant: LA FOREST J.

Motion for leave to intervene

BY/PAR: Institute of Chartered Accountants of P.E.I.
L'Ordre des comptables généraux licenciés du Québec
Certified General Accountants Association of Ontario

IN/DANS: Thomas P. Walker et al.

v. (23861)

Government of P.E.I. (P.E.I.)

Requête en autorisation d'intervention

Maurice C. Cullity, Q.C. for the Certified General Accountants Association of Ontario

W. Ian C. Binnie, Q.C., for the Institute of Chartered Accountants of P.E.I.

Guy Desautels et Marcel Rivest, pour l'Ordre des comptables généraux licenciés du Québec.

Robert B. Langille, Q.C. for the respondent.

Mary Eberts and Wendy Matheson for the appellants

GRANTED / ACCORDÉE**IT IS ORDERED THAT:**

1. The applications for leave to intervene are granted. The intervenors may each file a factum not exceeding twenty pages and may have ten minutes each to present oral argument.
2. Further, it is ordered that the intervenor l'Ordre des comptables généraux licenciés du Québec may file, with its factum, such public reports and legislation as may tend to illustrate the purposes of the Prince Edward Island legislation at issue in this appeal.

J'ORDONNE QUE:

1. Les demandes d'autorisation pour intervenir soient accueillies. Les intervenants peuvent déposer chacun un mémoire d'au plus vingt pages et ils disposent de dix minutes chacun pour présenter leur plaidoirie.
2. En outre, j'ordonne que l'intervenant l'Ordre des comptables généraux licenciés du Québec puisse déposer, avec son mémoire, les rapports publics et les lois qui peuvent tendre à illustrer les objectifs de la loi de l'Île-du-Prince-Édouard qui est en cause dans le présent pourvoi.

10.1.1995

Before / Devant: LA FOREST J.

- 1) **Motions for leave to intervene**
- 2) **Motion on behalf of the appellant for an order rescinding previous interventions.**
- 3) **Motion on behalf of the respondent for directions.**

Hubert Patrick O'Connor

v. (24114)

Her Majesty the Queen (B.C.)

- 1) **Requêtes en autorisation d'intervention**
- 2) **Requête présentée au nom de l'appellant en vue d'obtenir l'annulation des interventions antérieures**
- 3) **Requête présentée au nom de l'intimée en vue d'obtenir des directives**

James Stewart, for A.G. for Ontario

Heather Perkins-McVey, for the Canadian Foundation for Children, Youth and the Law

V. Jennifer Mackinnon, for the respondent.

Christopher Considine, for the appellant.

Francis Kelly, for the Canadian Mental Health

Robert Frater, for the A.G. of Canada

Helena Orton, for LEAF

IT IS ORDERED THAT:

1. The applications for leave to intervene of the Attorney General of Ontario and the Canadian Foundation for Children, Youth and the Law are granted. The intervenors may each file a factum not exceeding twenty pages and may have fifteen minutes each to present oral argument.
2. The motion of the Appellant for an order rescinding the interventions previously granted is denied.
3. The Appellant and Respondent shall each have the right to file an additional factum of up to ten pages dealing with the issue of disclosure of medical or counselling records.
4. The additional factum of the Appellant shall be filed by January 20, 1995. The additional factum of the Respondent shall be filed by January 24, 1995. The factums of the intervenors shall be filed by January 26, 1995.

10.1.1995

Before/Devant: THE REGISTRAR

Requête en prorogation du délai de signification et de dépôt de la réponse d'un intimé

Wesner Péroux

c. (24464)

Cité de la Santé de Laval et al. (Qué)

ACCORDÉE / GRANTED Délai prorogé au 20 janvier 1995.

Motion to extend the time in which to serve and file a respondent's response

Avec le consentement des parties.

11.1.1995

Before/Devant: THE REGISTRAR

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

Andrew Camani

v. (24369)

Her Majesty the Queen (Ont.)

GRANTED / ACCORDÉE Time extended to December 20, 1994.

**Requête en prorogation du délai de signification
et de dépôt de la réplique de l'intimée**

With the consent of the parties.

12.1.1995

Before / Devant: CORY J.

Motion to extend the time for leave to intervene

BY/ PAR: Canadian Bar Association

IN/DANS: Philip Keith Fire et al.

v. (24148)

Georges-André Longtin et al.
(Ont.)

**Requête en prorogation du délai pour la demande
d'autorisation d'intervention**

With the consent of the parties.

GRANTED / ACCORDÉE Time extended to March 15, 1995.

11.1.1995

Before / Devant: McLACHLIN J.

Motion for leave to intervene

BY/PAR: Delgamuukw et al.

IN/DANS NTC Smokehouse Ltd.

v. (23800)

Her Majesty the Queen (B.C.)

GRANTED / ACCORDÉE Factum limited to 30 pages.

11.1.1995

Before / Devant: McLACHLIN J.

Requête en autorisation d'intervention

With the consent of the parties.

Motion for leave to intervene

BY/PAR: Delgamuukw et al.

IN/DANS: Donald Gladstone et al.

v. (23801)

Her Majesty the Queen (B.C.)

GRANTED / ACCORDÉE Factum limited to 30 pages.

11.1.1995

Before / Devant: McLACHLIN J.

Requête en autorisation d'intervention

With the consent of the parties.

Motion for leave to intervene

BY/PAR: Delgamuukw et al.

IN/DANS: Allan Jacob Lewis et al.

v. (23802)

Her Majesty the Queen (B.C.)

GRANTED / ACCORDÉE Factum limited to 30 pages.

11.1.1995

Before / Devant: McLACHLIN J.

Requête en autorisation d'intervention

With the consent of the parties.

Motion for leave to intervene

BY/PAR: Delgamuukw et al.

IN/DANS: Dorothy Marie Van der Peet

v. (23803)

Her Majesty the Queen (B.C.)

GRANTED / ACCORDÉE Factum limited to 30 pages.

11.1.1995

Before / Devant: McLACHLIN J.

Requête en autorisation d'intervention

With the consent of the parties.

Motion for leave to intervene

BY/PAR: Delgamuukw et al.

IN/DANS: Jerry Benjamin Nikal

v. (23804)

Her Majesty the Queen (B.C.)

GRANTED / ACCORDÉE Factum limited to 30 pages.

12.1.1995

Before / Devant: CORY J.

Requête en autorisation d'intervention

With the consent of the parties.

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

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

Kartar Basra

With the consent of the parties.

v. (24450)

Jaswant Singh Gill (B.C.)

GRANTED / ACCORDÉE Time extended to December 5, 1994.

12.1.1995

Before / Devant: CORY J.

Miscellaneous motion on appeal and motion to extend the time in which to file a case on appeal

Ken Rubin

v. (24147)

The Clerk of the Privy Council (F.C.A.)

Autre requête en appel et requête en prorogation du délai de dépôt du dossier

With the consent of the parties.

GRANTED / ACCORDÉES

1. Nine copies of the Affidavit of Ciuneas Boyle shall be filed in sealed envelopes to be made available only to the Members of the Court assigned to hear this appeal and to their staff.
2. The said Affidavit shall not form a part of the public file maintained by the Court registry in respect of this appeal for review unless and until otherwise ordered.
3. Neil Robert Wilson, counsel for the appellant Ken Rubin, shall be provided with a copy of said affidavit upon filing with the registry of this Court a duly executed undertaking to this Court in the form annexed thereto.
4. Said counsel shall be bound by such undertaking to this Court until release therefrom by order of a judge of the Supreme Court of Canada.
5. A copy of this Order shall be attached to the sealed envelope containing the Affidavit of Ciuneas Boyle.
6. The time for filing the case on appeal is extended to February 28, 1995.

12.1.1995

Before / Devant: THE REGISTRAR

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

Sandra Florence Vout

v. (24009)

Earl Hay et al. (Ont.)

GRANTED / ACCORDÉE Time extended to January 9, 1995.

**Requête en prorogation du délai imparti pour
déposer le mémoire de l'intimé**

With the consent of the parties.

12.1.1995

Before / Devant: THE REGISTRAR

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

Her Majesty the Queen

v. (23749)

David Gordon Barrett (Ont.)

GRANTED / ACCORDÉE Time extended to January 9, 1995.

**Requête en prorogation du délai imparti pour
déposer le mémoire de l'appelante**

With the consent of the parties.

13.1.1995

Before / Devant: THE REGISTRAR

Requête en prorogation du délai imparti pour déposer le mémoire de l'appelante

Louise Goyet

c. (23629)

Gilles Bilodeau (Qué.)

Motion to extend the time in which to file the appellant's factum

Simon Lahaie pour la requête.

Martin Mason, contra.

ACCORDÉE / GRANTED Le délai de production du mémoire de l'appelante est prorogé jusqu'au 23 novembre 1994. L'intimé doit produire son mémoire au plus tard le 3 février 1995. Les dépens suivront l'issue de la cause.

17.1.1995

Before / Devant: THE REGISTRAR

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

Her Majesty the Queen

v. (24397)

Donald I. MacLeod (N.B.)

GRANTED / ACCORDÉE Time extended to December 15, 1994.

**Requête en prorogation du délai de signification
et de dépôt de la réplique de l'intimé**

With the consent of the parties.

17.1.1995

Before / Devant: CHIEF JUSTICE LAMER

Motion for an order that this appeal is to be deemed not abandoned

Requête en déclaration que le présent appel est censé ne pas avoir été abandonné

Her Majesty the Queen

With the consent of the parties.

v. (24182)

A.B. (Nfld.)

GRANTED / ACCORDÉE on condition that the appeal be ready to proceed in the latter part of the Spring Term, appellant's factum being filed no later than March 18, 1995.

17.1.1995

Before / Devant: THE REGISTRAR

Motion for acceptance of factum on appeal over 40 pages

Church of Scientology of Toronto et al.

v. (24216)

S. Casey Hill (Ont.)

Requête en acceptation d'un mémoire d'appel de plus de 40 pages

Robert Armstrong for the motion.

Marc Somerville for Church of Scientology.

David Brown for Morris Manning.

GRANTED / ACCORDÉE Respondent is allowed to file a single factum of 80 pages.

18.1.1995

Before / Devant: L'HEUREUX-DUBÉ J.

Motion for leave to intervene

BY/PAR: League for Human Rights of
B'nai Brith Canada

IN/DANS: David Attis, et al.
v. (24002)
Board of School Trustees, Dist.
No. 15, et al. (N.B.)

Requête en autorisation d'intervention

David Matas for the motion.

Douglas H. Christie contra.

George Vegh for Canadian Jewish Congress.

Thomas S. Kuttner for Human Rights
Commission.

GRANTED / ACCORDÉE The intervenor will be allowed 30 days from the date of filing of the factum of the parties to file its own and will have 15 minutes to present oral argument.

18.1.1995

Before / Devant: L'HEUREUX-DUBÉ J.

Motions for leave to intervene

BY/PAR: Canadian Daily Newspaper Association, et al.
The Writers' Union of Canada, et al.
Canadian Civil Liberties Association

IN/DANS: Church of Scientology of Toronto, et al.

v. (24216)

S. Casey Hill (Ont.)

Requêtes en autorisation d'intervention

Edward M. Morgan, for the Writers' Union of Canada, et al.

Peter W. Hogg, Q.C., for Canadian Daily Newspaper Association, et al.

Robert J. Sharpe, for Canadian Civil Liberties Association

Marc Somerville, for Church of Scientology of Toronto.

David M. Brown, for Morris Manning.

Robert Armstrong, for the respondent.

GRANTED / ACCORDÉES

The motions to intervene are granted without costs. Each intervenor will be allowed to file a factum of no more than 20 pages on or before February 3, 1995.

Canadian Daily Newspapers Association, et al. will have a period of 30 minutes to present oral argument.

The Writers' Union of Canada, et al. will have a period of 15 minutes to present oral argument.

Canadian Civil Liberties Association will have a period of 15 minutes to present oral argument.

**NOTICES OF APPEAL FILED SINCE
LAST ISSUE**

16.12.1994

Ernesto Lima-Fernandez

v. (24466)

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

AS OF RIGHT

21.12.1994

Eloy Escobar-Molina

v. (24473)

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

AS OF RIGHT

22.12.1994

The National Parole Board et al.

v. (24436)

Ian Ross Mooring (B.C.)

28.12.1994

Marc Michaud

c. (23764)

Le procureur général du Québec (Qué.)

3.1.1995

G.L.B.

c. (23744)

M.P. (Qué.)

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

3.1.1995

Sa Majesté la Reine

c. (24173)

Raynald Mathieu (Qué.)

3.1.1995

Sa Majesté la Reine

c. (24210)

Jean Polo (Qué.)

4.1.1995

David Shunk

c. (23765)

Vicki Walker (Qué.)

6.1.1995

Ronald Stuart Jones

v. (23667)

Her Majesty the Queen (Alta.)

6.10.1994

Her Majesty the Queen

v. (24484)

Marwin G. (Ont.)

23.12.1994

Giovanni Marinaro

v. (24322)

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

AS OF RIGHT

6.1.1995

John Alexander Sarson

v. (24233)

Her Majesty the Queen (Ont.)

11.1.1995

Ernest John Rogalsky et al.

v. (24489)

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

AS OF RIGHT

21.12.1994

Her Majesty the Queen in Right of Canada

v. (23516)

Joseph Apassin et al. (F.C.A.)(B.C.)

NOTICE OF CROSS-APPEAL

**NOTICES OF INTERVENTION FILED
SINCE LAST ISSUE**

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

BY/PAR: Attorney General of Canada

IN/DANS: **Reference Re: Residential Tenancies Act**
(N.S.)(24276)

BY/PAR: Attorney General of British Columbia

IN/DANS: **Ontario Homebuilders' Association, et al.**
v. (24085)
The York Region Board of Education, et al. (Ont.)

BY/PAR: Le procureur général du Québec

IN/DANS: **Reference Re: Residential Tenancies Act**
(N.S.)(24276)

**NOTICES OF DISCONTINUANCE
FILED SINCE LAST ISSUE**

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

29.12.1994

L'honorable Andrée Ruffo

c. (23222)

Le Conseil de la Magistrature et al. (Qué.)

(pourvoi)

WEEKLY AGENDA

ORDRE DU JOUR DE LA SEMAINE

AGENDA for the week beginning January 23, 1995.
ORDRE DU JOUR pour la semaine commençant le 23 janvier 1995.

<u>Date of Hearing/ Date d'audition</u>	<u>Case Number and Name/ Numéro et nom de la cause</u>
23/01/95	Shaw Cable Systems British Columbia Limited, et al v. British Columbia Telephone Company, et al - and between - Telecommunications Workers Union v. Canadian Radio-Television and Telecommunications Commission, et al (B.C.)(23717-23778)
24/01/95	Canadian Pacific Limited v. Her Majesty the Queen in Right of Ontario (Ont.)(23721)
25/01/95	The Workers' Compensation Board v. Husky Oil Operations Ltd., et al (Sask.)(23936)
26/01/95	Sandra Florence Vout v. Earl Hay, et al (Ont.)(24009)
27/01/95	Verlie Ann Halcrow, et al v. Her Majesty the Queen, et al (Crim.)(B.C.)(23542)
27/01/95	Cameron Robert Laporte v. Her Majesty the Queen (Crim.)(Man.)(24140)

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.

The Court is not sitting this week

La Cour ne siège pas cette semaine

23717SHAW CABLE

SYSTEMS (B.C.) LTD. and CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION v. BRITISH COLUMBIA TELEPHONE COMPANY and TELECOMMUNICATIONS WORKERS' UNION

Labour law - Labour relations - Collective agreement - Judicial review - Whether the CRTC has the power to make an order to avoid the conferring of an undue preference by a telephone company if compliance with that order would require the company to violate its collective agreement - Whether the Court of Appeal erred in concluding that the jurisdiction of the CRTC pursuant to the *Railway Act* and the *National Telecommunications Powers and Procedures Act* is limited by the provisions of a collective agreement - Whether the Court of Appeal erred in finding that there were conflicting tribunal decisions that produced a patently unreasonable result - Whether the Court of Appeal erred in applying the test for determining the standard of judicial review pursuant to *U.E.S., Local 298 v. Bibeault*, [1988] 2 S.C.R. 1048 - Whether the powers of regulatory bodies and their ability to fulfil their statutory mandate can be restricted by private agreement.

BC Tel had applied to the CRTC for approval of a proposed tariff governing the company's cable support structure service offering and filed a form agreement to be signed by it and each cable licensee using the support structures. The proposed service offering permitted only BC Tel to perform the work. The CRTC approved the rates to be charged for the service offering but not the proposed agreement on the ground that it was not in the public interest. BC Tel filed a proposed Support Structure Agreement which included a provision permitting the cable licensee or an approved outside contractor to perform the cable plant construction work, provided the work did not involve the intentional dislocation of the company's property. The CRTC approved the agreement. BC Tel adopted a policy of prohibiting cable licensees from performing the work required to install their own cable on the support structures, following an arbitration award made in response to a union grievance.

The Canadian Cable Television Association filed a complaint with the CRTC, which ruled that BC Tel's new policy was in contravention of prior decisions. TWU filed a grievance and, on July 19, 1991, an arbitration board concluded that, according to the collective agreement, the work involved in overspinning of television cable to BC Tel's strands and cables was reserved exclusively to the members of TWU. On October 8, 1991, BC Tel applied to the CRTC for approval, pursuant to s. 341 of the *Railway Act*, of the indemnity and limitation of liability clauses contained in the revised agreement.

On November 27, 1991, Shaw applied to the CRTC, pursuant to s. 49 of the *National Telecommunications Powers and Procedures Act*, for an order requiring BC Tel to permit Shaw to install its own cable on or in the support structures. By Telecom Letter Decision CRTC 92-4, dated June 26, 1992, the CRTC ordered BC Tel to comply with its previous orders and decisions and "to comply with its obligations to permit Shaw and any other cable licensees to install their own cable on B.C. Tel support structures". On May 12, 1993, the Federal Court of Appeal allowed the BC Tel's appeal and set aside the CRTC's order, referring the matter back to the CRTC for reconsideration and decision on the ground that it did not have the jurisdiction to order BC Tel to violate the terms of its collective agreement with TWU.

Origin of the case: Federal Court of Appeal

File No.: 23717

Judgment of the Court of Appeal: May 12, 1993

Counsel: Avrum Cohen, for the Appellant CRTC
T.G. Heintzman, Q.C. and Susan Gratton, for the Appellant Shaw
Jack Giles, Q.C. and Alan J. Hamilton, for the Respondent B.C. Tel.
Morley D. Short, Q.C., for the Respondent TWU

23717 SHAW CABLE SYSTEMS (B.C.) LTD. et LE CONSEIL DE LA RADIODIFFUSION ET DES TÉLÉCOMMUNICATIONS CANADIENNES c. BRITISH COLUMBIA TELEPHONE COMPANY et TELECOMMUNICATIONS WORKERS' UNION

Droit du travail - Relations de travail - Convention collective - Contrôle judiciaire - Le CRTC a-t-il le pouvoir de rendre une ordonnance visant à interdire qu'une compagnie de téléphone confère une préférence injuste si, pour respecter cette ordonnance, la compagnie doit contrevenir aux dispositions de sa convention collective? - La Cour d'appel a-t-elle commis une erreur en concluant que la compétence que le CRTC tire de la *Loi sur les chemins de fer* et de la *Loi nationale sur les attributions en matière de télécommunications* est limitée par les dispositions d'une convention collective? - La Cour d'appel a-t-elle commis une erreur en concluant que les décisions contradictoires rendues par des tribunaux administratifs avaient entraîné un résultat manifestement déraisonnable? - La Cour d'appel a-t-elle commis une erreur en appliquant le critère

permettant de déterminer la norme de contrôle judiciaire conformément à l'arrêt *U.E.S., Local 298 c. Bibeault*, [1988] 2 R.C.S. 1048? - Les pouvoirs des organismes de réglementation et leur capacité de s'acquitter du mandat qui leur est attribué par la loi peuvent-ils être restreints par une entente privée?

BC Tel a soumis à l'approbation du CRTC un tarif proposé régissant le service de structures de soutènement de la compagnie pour la télédistribution, et elle a déposé un projet d'entente devant être signé par chacun des titulaires de télédistribution utilisant les structures de soutènement. Le service proposé permettait uniquement à BC Tel d'exécuter le travail. Le CRTC a approuvé les frais réclamés pour le service, mais pas le projet d'entente, pour le motif qu'il ne relevait pas de l'intérêt public. BC Tel a déposé un projet d'accord relatif aux structures de soutènement, qui prévoyait notamment que les travaux de construction d'installations de télédistribution pouvaient être faits par le titulaire ou un entrepreneur pourvu que la construction ne comprenne pas le dérangement intentionnel des installations de la compagnie. Le CRTC a approuvé l'entente. BC Tel a adopté comme politique d'interdire aux titulaires de télédistribution d'installer leurs propres câbles sur les structures de soutènement, conformément à une sentence arbitrale rendue à la suite d'un grief déposé par le syndicat.

L'Association canadienne de télévision par câble a déposé une plainte auprès du CRTC, qui a jugé que la nouvelle politique de BC Tel contrevenait à ses décisions antérieures. Le TWU a déposé un grief et, le 19 juillet 1991, un conseil d'arbitrage a conclu que, conformément à la convention collective, les activités de surbobinage des câbles sur les câbles de BC Tel étaient exclusivement réservées aux membres du TWU. Le 8 octobre 1991, BC Tel a, conformément à l'art. 341 de la *Loi sur les chemins de fer*, soumis à l'approbation du CRTC les clauses relatives à l'indemnité et aux limites de responsabilité contenues dans l'entente modifiée.

Le 27 novembre 1991, Shaw a demandé au CRTC, conformément à l'art. 49 de la *Loi nationale sur les attributions en matière de télécommunications*, de rendre une ordonnance contraignant BC Tel à permettre à Shaw d'installer ses propres câbles sur les structures de soutènement ou à l'intérieur de celles-ci. Dans la décision Télécom CRTC 92-4, datée du 26 juin 1992, le CRTC a ordonné à BC Tel de se conformer à ses ordonnances et décisions antérieures l'obligeant à «respecter ses obligations et [à] permettre à la Shaw et aux autres télédistributeurs d'installer leurs propres câbles sur les structures de soutènement de la B.C. Tel.». Le 12 mai 1993, la Cour d'appel fédérale a accueilli l'appel de BC Tel et annulé l'ordonnance du CRTC, renvoyant l'affaire à celui-ci pour qu'il la réexamine et rende une décision en tenant pour acquis qu'il n'a pas compétence pour ordonner à BC Tel de contrevenir aux dispositions de la convention collective qu'elle a conclue avec le TWU.

Origine :	Cour d'appel fédérale
N° du greffe :	23717
Arrêt de la Cour d'appel:	le 12 mai 1993
Avocats :	Avrum Cohen, pour l'appelant le CRTC T.G. Heintzman, c.r., et Susan Gratton, pour l'appelante Shaw Jack Giles, c.r., et Alan J. Hamilton, pour l'intimée B.C. Tel. Morley D. Short, c.r., pour l'intimé le TWU

23778 TELECOMMUNICATIONS WORKERS' UNION v. CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION, SHAW CABLE SYSTEMS (B.C.) LTD. and BRITISH COLUMBIA TELEPHONE COMPANY

Labour law - Labour relations - Collective agreement - Judicial review - Whether the CRTC has the power to make an order to avoid the conferring of an undue preference by a telephone company if compliance with that order would require the company to violate its collective agreement - Whether the Court of Appeal erred in concluding that the jurisdiction of the CRTC pursuant to the *Railway Act* and the *National Telecommunications Powers and Procedures Act* is limited by the provisions of a collective agreement - Whether the Court of Appeal erred in finding that there were conflicting tribunal decisions that produced a patently unreasonable result - Whether the Court of Appeal erred in applying the test for determining the standard of judicial review pursuant to *U.E.S., Local 298 v. Bibeault*, [1988] 2 S.C.R. 1048 - Whether the powers of regulatory bodies and their ability to fulfil their statutory mandate can be restricted by private agreement - Whether the Court of Appeal erred in failing to declare that the Appellant was entitled to notice of the hearings before the CRTC concerning the "Support Structure Agreement" involving the Company and Shaw.

BC Tel had applied to the CRTC for approval of a proposed tariff governing the company's cable support structure service offering and filed a form agreement to be signed by it and each cable licensee using the support structures. The proposed service offering permitted only BC Tel to perform the work. The CRTC approved the rates to be charged for the service offering but not the proposed agreement on the ground that it was not in the public interest.

BC Tel filed a proposed Support Structure Agreement which included a provision permitting the cable licensee or an approved outside contractor to perform the cable plant construction work, provided the work did not involve the intentional dislocation of the company's property. The CRTC approved the agreement. BC Tel adopted a policy of prohibiting cable licensees from performing the work required to install their own cable on the support structures, following an arbitration award made in response to a union grievance.

The Canadian Cable Television Association filed a complaint with the CRTC, which ruled that BC Tel's new policy was in contravention of prior decisions. TWU filed a grievance and, on July 19, 1991, an arbitration board concluded that, according to the collective agreement, the work involved in overspinning of television cable to BC Tel's strands and cables was reserved exclusively to the members of TWU. On October 8, 1991, BC Tel applied to the CRTC for approval, pursuant to s. 341 of the *Railway Act*, of the indemnity and limitation of liability clauses contained in the revised agreement.

On November 27, 1991, Shaw applied to the CRTC, pursuant to s. 49 of the *National Telecommunications Powers and Procedures Act*, for an order requiring BC Tel to permit Shaw to install its own cable on or in the support structures. By Telecom Letter Decision CRTC 92-4, dated June 26, 1992, the CRTC ordered BC Tel to comply with its previous orders and decisions and "to comply with its obligations to permit Shaw and any other cable licensees to install their own cable on B.C. Tel support structures". On May 12, 1993, the Federal Court of Appeal allowed the BC Tel's appeal and set aside the CRTC's order, referring the matter back to the CRTC for reconsideration and decision on the ground that it did not have the jurisdiction to order BC Tel to violate the terms of its collective agreement with TWU.

Origin of the case:	Federal Court of Appeal
File No.:	23778
Judgment of the Court of Appeal:	May 12, 1993
Counsel:	Morley D. Short, Q.C., for the Appellant Thomas G. Heintzman, Q.C., for the Respondent Shaw

23778 TELECOMMUNICATIONS WORKERS' UNION c. LE CONSEIL DE LA RADIODIFFUSION ET DES TÉLÉCOMMUNICATIONS CANADIENNES, SHAW CABLE SYSTEMS (B.C.) LTD. et BRITISH COLUMBIA TELEPHONE COMPANY

Droit du travail - Relations de travail - Convention collective - Contrôle judiciaire - Le CRTC a-t-il le pouvoir de rendre une ordonnance visant à interdire qu'une compagnie de téléphone confère une préférence injuste si, pour respecter cette ordonnance, la compagnie doit contrevenir aux dispositions de sa convention collective? - La Cour d'appel a-t-elle commis une erreur en concluant que la compétence que le CRTC tire de la *Loi sur les chemins de fer* et de la *Loi nationale sur les attributions en matière de télécommunications* est limitée par les dispositions d'une convention collective? - La Cour d'appel a-t-elle commis une erreur en concluant que des décisions judiciaires contradictoires avaient entraîné un résultat manifestement déraisonnable? - La Cour d'appel a-t-elle commis une erreur en appliquant le critère permettant de déterminer la norme de contrôle judiciaire conformément à l'arrêt *U.E.S., Local 298 c. Bibeault*, [1988] 2 R.C.S. 1048? - Les pouvoirs des organismes de réglementation et leur capacité de s'acquitter du mandat qui leur est attribué par la loi peuvent-ils être restreints par une entente privée? - La Cour d'appel a-t-elle commis une erreur en ne déclarant pas que l'appelant avait droit à un avis des auditions tenues devant le CRTC concernant l'accord relatif aux structures de soutènement conclu entre la compagnie et Shaw.

BC Tel a soumis à l'approbation du CRTC un tarif proposé régissant le service de structures de soutènement de la compagnie pour la télédistribution, et elle a déposé un projet d'entente devant être signé par chacun des titulaires de télédistribution utilisant les structures de soutènement. Le service proposé permettait uniquement à BC Tel d'exécuter le travail. Le CRTC a approuvé les frais réclamés pour le service, mais pas le projet d'entente, pour le motif qu'il ne relevait pas de l'intérêt public. BC Tel a déposé un projet d'accord relatif aux structures de soutènement, qui prévoyait notamment que les travaux de construction d'installations de télédistribution pouvaient être faits par le titulaire ou un entrepreneur pourvu que la construction ne comprenne pas le dérangement intentionnel des installations de la compagnie. Le CRTC a approuvé l'entente. BC Tel a adopté comme politique d'interdire aux titulaires de télédistribution d'installer leurs propres câbles sur les structures de soutènement, conformément à une sentence arbitrale rendue à la suite d'un grief déposé par le syndicat.

L'Association canadienne de télévision par câble a déposé une plainte auprès du CRTC, qui a jugé que la nouvelle politique de BC Tel contrevenait à ses décisions antérieures. Le TWU a déposé un grief et, le 19 juillet 1991, un conseil d'arbitrage a conclu que, conformément à la convention collective, les activités de surbobinage des câbles sur les câbles de BC Tel étaient exclusivement réservées aux membres du TWU. Le 8 octobre 1991, BC Tel a,

conformément à l'art. 341 de la *Loi sur les chemins de fer*, soumis à l'approbation du CRTC les clauses relatives à l'indemnité et aux limites de responsabilité contenues dans l'entente modifiée.

Le 27 novembre 1991, Shaw a demandé au CRTC, conformément à l'art. 49 de la *Loi nationale sur les attributions en matière de télécommunications*, de rendre une ordonnance contraignant BC Tel à permettre à Shaw d'installer ses propres câbles sur les structures de soutènement ou à l'intérieur de celles-ci. Dans la décision Télécom CRTC 92-4, datée du 26 juin 1992, le CRTC a ordonné à BC Tel de se conformer à ses ordonnances et décisions antérieures l'obligeant à «respecter ses obligations et [à] permettre à la Shaw et aux autres télédistributeurs d'installer leurs propres câbles sur les structures de soutènement de la B.C. Tel.». Le 12 mai 1993, la Cour d'appel fédérale a accueilli l'appel de BC Tel et annulé l'ordonnance du CRTC, renvoyant l'affaire à celui-ci pour qu'il réexamine et rende une décision en tenant pour acquis qu'il n'a pas compétence pour ordonner à BC Tel de contrevenir aux dispositions de la convention collective qu'elle a conclue avec le TWU.

Origine :	Cour d'appel fédérale
N° du greffe :	23778
Arrêt de la Cour d'appel :	le 12 mai 1993
Avocats :	Morley D. Short, c.r., pour l'appelant Thomas G. Heintzman, c.r. pour l'intimée Shaw

23721 CANADIAN PACIFIC LIMITED v. HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO

Criminal law - Environment law - *Canadian Charter of Rights and Freedoms* - Constitutional law - Statutes - Interpretation - Division of powers - Railways - Appellant acquitted on charges of discharging or permitting the discharge of an environmental contaminant, smoke, contrary to s. 13(1)(a) of the Ontario *Environmental Protection Act* - Whether provincial legislation in respect of the protection and conservation of the environment applies to federal works and undertakings - Whether s. 13(1)(a) of the *Act* applies in respect of acts performed by an interprovincial railway to maintain its right-of-way - Whether a challenge to the constitutional validity of legislation on the ground that the legislation is so vague as to infringe the fundamental rights guaranteed by s. 7 of the *Charter* is to be determined only on facts specific to the case before the court - Whether s. 13(1)(a) of the *Act* is so vague as to infringe s. 7 of the *Charter*.

The Appellant was charged with having, on April 6 and 11, 1988, committed the offence of unlawfully discharging or permitting the discharge of a contaminant, namely smoke, into the natural environment that is likely to cause impairment of the quality of the natural environment for any use that can be made of it, contrary to s. 13(1)(a) of the *Environmental Protection Act*, R.S.O. 1980, c. 141. The Appellant, a federal undertaking, has the obligation, under s. 223 of the *Railway Act*, R.S.C. 1985, c. R-3, to maintain and keep its right-of-way free from dead grass, weeds and other unnecessary combustible matter. In April, 1988, the Appellant, after obtaining the authorization required by federal regulation, conducted controlled burnings of the standing dead grass on its right-of-way in the town of Kenora. Smoke from the fire went onto some of the residential properties. Following complaints by owners of the properties, the Appellant was charged.

The Appellant was acquitted by Daub J. of the Provincial Offences Court of Ontario who concluded that, although the Respondent had established the essential elements of the offence under s. 13(1)(a) of the *Act*, the Appellant's defence of due diligence raised a reasonable doubt. Fraser J. of the Ontario Court of Justice, Provincial Division, allowed the Respondent's appeal and overturned the acquittal, finding the Appellant guilty on both charges. The Appellant appealed to the Court of Appeal for Ontario on the grounds that s. 13(1)(a) of the *Act* was not constitutionally applicable to those acts of a federal undertaking done in furtherance of a statutory duty forming an essential part of the management and operation of that federal undertaking, and that s. 13(1)(a) of the *Act* was so vague as to violate the principles of fundamental justice guaranteed by s. 7 of the *Charter*. The Court of Appeal dismissed the Appellant's appeal.

Origin of the case:	Ontario
File No.:	23721
Judgment of the Court of Appeal:	May 19, 1993
Counsel:	H.C. Wendlandt, for the Appellants David Lepofsky, for the Respondent

23721 CANADIEN PACIFIQUE LIMITÉE c. SA MAJESTÉ LA REINE DU CHEF DE L'ONTARIO

Droit criminel - Droit de l'environnement - *Charte canadienne des droits et libertés* - Droit constitutionnel - Législation - Interprétation - Partage des compétences - Chemins de fer - L'appelante a été acquittée relativement à des accusations d'avoir rejeté un contaminant, à savoir la fumée, dans l'environnement naturel ou d'avoir permis que cela se fasse, infraction prévue à l'art. 13(1)a) de la *Loi sur la protection de l'environnement* de l'Ontario - La législation provinciale relative à la protection et à la conservation de l'environnement s'applique-t-elle aux entreprises et ouvrages fédéraux? - L'alinéa 13(1)a) de la *Loi* s'applique-t-il aux actes accomplis par un chemin de fer interprovincial pour assurer l'entretien de l'emplacement de sa voie? - La question de savoir si la contestation de la constitutionnalité d'un texte législatif au motif que celui-ci est à ce point vague qu'il porte atteinte aux droits fondamentaux garantis par l'art. 7 de la *Charte* doit-elle être tranchée en fonction des seuls faits propres à l'affaire dont la cour est saisie? - L'alinéa 13(1)a) de la *Loi* est-il à ce point vague qu'il viole l'art. 7 de la *Charte*?

L'appelante a été accusée d'avoir, les 6 et 11 avril 1988, commis l'infraction consistant à rejeter un contaminant, à savoir la fumée, dans l'environnement naturel ou à permettre que cela se fasse, lorsque cet acte causera vraisemblablement une dégradation de l'environnement naturel relativement à tout usage que l'on peut en faire, laquelle infraction est prévue à l'al. 13(1)a) de la *Loi sur la protection de l'environnement*, L.R.O. 1980, ch. 141. Aux termes de l'art. 223 de la *Loi sur les chemins de fer*, L.R.C. (1985), ch. R-3, il incombe à l'appelante, qui est une entreprise fédérale, de tenir l'emplacement de sa voie libre d'herbes mortes, de mauvaises herbes et d'autres matières combustibles inutiles. En avril 1988, l'appelante, après avoir obtenu l'autorisation prescrite par le règlement fédéral applicable, a procédé à des brûlages dirigés de l'herbe morte se trouvant sur l'emplacement de sa voie dans la ville de Kenora. La fumée résultant des brûlages a envahi certaines propriétés résidentielles. À la suite de plaintes de la part des propriétaires, des accusations ont été portées contre l'appelante.

L'appelante a été acquittée par le juge Daub de la Cour des infractions provinciales de l'Ontario, qui a conclu que, même si l'intimée avait établi les éléments essentiels de l'infraction prévue à l'al. 13(1)a) de la *Loi*, la défense de diligence raisonnable invoquée par l'appelante faisait naître un doute raisonnable. Le juge Fraser de la Cour de justice de l'Ontario (Division provinciale) a accueilli l'appel de l'intimée, a annulé le verdict d'acquiescement et a déclaré l'appelante coupable relativement aux deux accusations. Cette dernière a interjeté appel devant la Cour d'appel de l'Ontario au motif que, du point de vue constitutionnel, l'al. 13(1)a) de la *Loi* ne s'appliquait pas aux actes d'une entreprise fédérale accomplis dans l'exécution d'une obligation légale qui constitue un élément essentiel de la gestion et de l'exploitation de cette entreprise, et que l'al. 13(1)a) de la *Loi* était à ce point vague qu'il violait les principes de justice fondamentale visés par la garantie énoncée à l'art. 7 de la *Charte*. La Cour d'appel a rejeté l'appel de l'appelante.

Origine: Ontario
N° du greffe: 23721
Arrêt de la Cour d'appel: le 19 mai 1993
Avocats: H.C. Wendlandt, pour l'appelante
David Lepofsky, pour l'intimée

23936 THE WORKERS' COMPENSATION BOARD - v. - HUSKY OIL OPERATIONS LTD. - and - HER MAJESTY THE QUEEN IN RIGHT OF CANADA, AS REPRESENTED BY THE MINISTER OF NATIONAL REVENUE ET AL. - and - ATTORNEY GENERAL OF SASKATCHEWAN

Constitutional law - Commercial law - Bankruptcy - Workers' compensation - Constitutional law - Division of powers - Applicability of s. 133 of *The Workers' Compensation Act* of Saskatchewan in bankruptcy situation.

Metal Fab, which had contracts to do construction for Husky Oil, made an assignment in bankruptcy before completing those contracts. Husky paid money for hold-backs, and money it owed Metal Fab, into court.

Metal Fab had not paid its required Workers' Compensation fund contribution. Section 133 of *The Workers' Compensation Act* would make Husky personally liable in respect of the amount that Metal Fab had not paid, but would let Husky recover the amount from Metal Fab. Husky and Metal Fab's creditors said that this operation of s. 133 would conflict with s. 136 of the federal *Bankruptcy and Insolvency Act*, which sets out the priorities of creditors on bankruptcy. Wedge J. of the Court of Queen's Bench held that s. 133 of the *Workers' Compensation Act* was inapplicable. The Court of Appeal dismissed the Appellant's appeal from that decision.

The following constitutional questions were stated by the Chief Justice on September 14, 1994:

1. Where a contractor as referred to in section 133 of the Workers' Compensation Act, S.S. 1979, c. W-17.1, is in bankruptcy and but for the bankruptcy, the principal as referred to in section 133 would be liable to pay the assessment due by the contractor under the Act, is section 133 of the said Act inoperative or inapplicable in whole or in part, by reason of being in conflict with the Bankruptcy Act, R.S.C. 1985, c. B-3, and in particular sections 17(1), 67, 95, 136(1)(h), 148, 158(a) and 198(a) thereof.
2. Was section 133 of the said Act inoperative or inapplicable in the circumstances of this case?

Origin of the case:	Saskatchewan
File No.:	23936
Judgment of the Court of Appeal:	November 8, 1993
Counsel:	Robert G. Richards for the Appellant James S. Ehmann, W. Brent Cotter Q.C., Brian J. Scherman, and Gordon Berschied for the Respondents

23936 THE WORKERS' COMPENSATION BOARD - c. - HUSKY OIL OPERATIONS LTD. - et - SA MAJESTÉ LA REINE DU CHEF DU CANADA, REPRÉSENTÉE PAR LE MINISTRE DU REVENU NATIONAL ET AUTRES - et - LE PROCUREUR GÉNÉRAL DE LA SASKATCHEWAN

Droit constitutionnel - Droit commercial - Faillite - Accident du travail - Droit constitutionnel - Partage des compétences - Applicabilité de l'art. 133 de *The Workers' Compensation Act* de la Saskatchewan dans un cas de faillite.

Metal Fab, qui s'était engagée par contrat à effectuer des travaux de construction pour Husky Oil, a fait une cession de biens avant d'avoir pu achever ces travaux. Husky a consigné l'argent pour les retenues ainsi que la somme qu'elle devait à Metal Fab.

Metal Fab n'avait pas versé sa contribution obligatoire au fonds d'indemnisation des victimes d'accidents de travail. L'article 133 de *The Workers' Compensation Act* rendrait Husky personnellement responsable relativement à la somme que Metal Fab n'avait pas versée, mais permettrait à Husky de récupérer cette somme auprès de Metal Fab. Husky et les créanciers de Metal Fab ont indiqué que cette application de l'art. 133 serait en conflit avec l'art. 136 de la *Loi sur la faillite et l'insolvabilité* fédérale qui établit l'ordre de priorité des créanciers dans une faillite. Le juge Wedge de la Cour du Banc de la Reine a conclu que l'art. 133 de *The Workers' Compensation Act* ne s'appliquait pas. La Cour d'appel a rejeté l'appel interjeté par l'appelant contre cette décision.

Le Juge en chef a formulé les questions constitutionnelles suivantes le 14 septembre 1994 :

1. Lorsque l'entrepreneur mentionné à l'art. 133 de la *Workers' Compensation Act*, S.S. 1979, ch. W-17.1, est en faillite et que, n'eût été de cette faillite, le commettant mentionné à ce même article serait tenu de payer la cotisation due par l'entrepreneur en vertu de la Loi, l'art. 133 de ladite Loi est-il inopérant ou inapplicable

en totalité ou en partie pour cause de conflit avec la *Loi sur la faillite*, L.R.C. (1985), ch. B-3, et, en particulier, avec les art. 17(1), 67, 95, 136(1)*h*, 148, 158*a* et 198*a* de cette loi?

2. L'article 133 de ladite Loi était-il inopérant ou inapplicable dans les circonstances de la présente affaire?

Origine : Saskatchewan
 N° du greffe : 23936
 Arrêt de la Cour d'appel : Le 8 novembre 1993
 Avocats : Robert G. Richards pour l'appelant
 James S. Ehmann, W. Brent Cotter, c.r., Brian J. Scherman et
 Gordon Berschied pour les intimés.

24009 SANDRA FLORENCE VOUT v. EARL HAY, CARL HAY, LARRY PARR AND KENNETH PARR

Property law - Procedural law - Wills - Estates - Appeals - Validity of wills executed in "suspicious circumstances" - Whether doctrine of "suspicious circumstances", as formulated historically by the courts, is of growing importance in a society with an increasing number and proportion of members who are elderly - Whether doctrine must be re-examined in the light of contemporary society's greater openness towards non-traditional interpersonal relationships - Whether doctrine, as interpreted by the Court of Appeal, imposes a limit on the freedom of property of "marginalized" persons in society such as the elderly or the unmarried.

On June 26, 1988, Clarence Hay was murdered. The deceased, who was 81 years old, unmarried and living alone, left a will dated July 11, 1985. His estate was said to be worth approximately \$320,000.00. The Appellant was appointed executrix of the will which gave one farm to her and another farm to a nephew of the deceased. The Respondent Carl Hay, a brother of the deceased, and 7 nephews and nieces of the deceased were each given an amount of money. The Appellant, was the residual beneficiary. The Appellant, 29 years old at the time of the time of trial, was not related to the deceased, but had been his friend in the last few years of his life. The Respondents, the surviving members of the Hay family, challenged the validity of the will and put forward a will drawn 20 years earlier in which the deceased left everything to his brother Earl Hay and his sister Florence Parr, now deceased, in equal shares.

The Appellant, who was interviewed as a murder suspect on July 6, 1988, told the police that, on the day the will was signed, she gave the deceased a ride to town and that he went into the lawyer's office by himself. The Appellant's evidence at trial differed from the statement given to the police. The Appellant explained the inconsistency between her testimony and her statement to the police by stating that she was under stress and scared. The Appellant's response when asked why the deceased would leave so much of his estate to her was that she supposed it was because he was fond of her. Byers J. of the Ontario Court, General Division, dismissed the Respondents' action and admitted the will into probate. The Respondents appealed to the Court of Appeal for Ontario claiming that the inconsistencies in the Appellant's testimony concerning events surrounding the execution of the will constituted "suspicious circumstances" sufficient to render the will invalid. The Court of Appeal allowed the Respondents' appeal, set aside the judgment and ordered a new trial.

Origin of the case: Ontario
 File No.: 24009
 Judgment of the Court of Appeal: December 22, 1993
 Counsel: Joseph M. Steiner and Stephen Lamont, for the Appellant
 William E. Baker, for the Respondents

24009 SANDRA FLORENCE VOUT c. EARL HAY, CARL HAY, LARRY PARR ET KENNETH PARR

Droits des biens - Droit de la procédure - Testaments - Successions - Appels - Validité de testaments dressés dans des «circonstances louches» - La doctrine des «circonstances louches», telle qu'elle a été traditionnellement formulée par les tribunaux, revêt-elle une importance croissante dans une société qui connaît une augmentation du nombre et de la proportion de ses membres âgés? - Y a-t-il lieu de réexaminer cette doctrine à la lumière de l'attitude plus tolérante de la société contemporaine envers les relations

interpersonnelles non traditionnelles? - L'interprétation donnée à cette doctrine par la Cour d'appel vient-elle limiter la liberté des «marginalisés» de la société, comme les personnes âgées ou non mariées, en ce qui concerne les biens?

Le 26 juin 1988, Clarence Hay a été assassiné. Âgé de 81 ans, célibataire et vivant seul à ce moment-là, il a laissé un testament daté du 11 juillet 1985. On estimait à environ 320 000 \$ la valeur de sa succession. L'appelante a été nommée exécutrice du testament, qui léguait une ferme à elle et une autre à un neveu du défunt. L'intimé Carl Hay, frère du défunt, ainsi que sept neveux et nièces de ce dernier se sont vu attribuer chacun une somme d'argent. L'appelante était bénéficiaire du reliquat. Elle avait 29 ans au moment du procès et n'avait aucun lien de parenté avec le défunt. Elle avait toutefois été son amie pendant les dernières années de sa vie. Les intimés, les membres survivants de la famille Hay, ont contesté la validité du testament et en ont produit un qui avait été établi 20 ans auparavant, dans lequel le testateur léguait tout à son frère Earl Hay et à sa soeur Florence Parr, décédée dans l'intervalle, en parts égales.

Interrogée le 6 juillet 1988 comme suspecte relativement au meurtre, l'appelante a dit à la police que, le jour où le testament a été signé, elle avait conduit le testateur en ville et qu'il était entré tout seul dans l'étude de l'avocat. Or, le témoignage donné par l'appelante au procès a été différent de la déclaration faite à la police, écart qu'elle a expliqué par le stress et la peur. Quand on lui a demandé pourquoi le testateur lui aurait légué une si grande partie de sa succession, l'appelante a répondu qu'elle supposait qu'il avait de l'attachement pour elle. Le juge Byers de la Cour de l'Ontario (Division générale) a rejeté l'action des intimés et a homologué le testament. Les intimés ont interjeté appel devant la Cour d'appel de l'Ontario en faisant valoir que les contradictions dans le témoignage de l'appelante concernant les événements entourant l'établissement du testament constituaient des «circonstances louches» justifiant l'invalidation du testament. La Cour d'appel a accueilli l'appel des intimés, a infirmé la décision de première instance et a ordonné la tenue d'un nouveau procès.

Origine: Ontario

N° du greffe: 24009

Arrêt de la Cour d'appel: le 22 décembre 1993

Avocats: Joseph M. Steiner et Stephen Lamont, pour l'appelante
William E. Baker, pour les intimés

23542 VERLIE ANN HALCROW v. HER MAJESTY THE QUEEN

Canadian Charter of Rights and Freedoms - Criminal law - Offences - Physical discipline of foster children leading to convictions for assault - Twelve year delay in laying charges - Whether lower courts erred in not ordering stay of proceedings as an abuse of process - Should trial judge have given special charge in light of delay? - How is reasonableness of force to be determined in considering defence under s. 43 of the Criminal Code.

In May, 1990, the Appellant was charged with assault of several foster children she had cared for in the 1970's. The charges were laid after some of the Appellant's former foster children, by then adults, complained to the R.C.M.P. about the Appellant's conduct. An earlier investigation into allegations of abuse was undertaken in October, 1978, after one of the Appellant's foster children complained to school authorities about a beating another foster child had received at the hands of the Appellant. The investigation conducted primarily by the Ministry of Human Resources assisted by R.C.M.P. concluded in January 1979, when it was agreed that the Appellant could continue to provide foster care. Ministry officials declined to let the police conduct a full investigation into the allegations and no charges were laid at that time.

The Appellant sought to stay the proceedings as an abuse of process, once immediately before the trial and again at the close of the Crown case. The pre-trial application was made on the basis that the Appellant believed she had been cleared of using excessive force in 1979. The trial judge dismissed this application. The second application, which was also dismissed, was based on prejudice resulting from the loss of evidence.

The Appellant admitted to using corporal punishment, in the form of spanking and strapping, but defended the charges on the basis that it was reasonable discipline in the circumstances. Following a trial before judge and jury, she was acquitted on the charges of common assault, and was convicted of two charges (counts 2 and 5 in the indictment) of assault causing bodily harm.

The Appellant's appeal to the Court of Appeal was allowed in part, as the Court found that the common assault charges were statute barred. The appeals against the convictions for assault causing bodily harm were dismissed,

with Southin J.A. dissenting as to the disposition of the appeal respecting count 2. The Appellant has an appeal as of right with respect to count 2, and was given leave to appeal the conviction for count 5.

Origin of the case:	British Columbia
File No.:	23542
Judgment of the Court of Appeal:	April 6, 1993
Counsel:	Alexander P. Watt for the Appellant Elizabeth Bennett for the Respondent

23542 VERLIE ANN HALCROW c. SA MAJESTÉ LA REINE

Charte canadienne des droits et libertés - Droit criminel - Infractions - Châtiment corporel sur des enfants en famille d'accueil menant à des déclarations de culpabilité de voies de fait - Délai de douze ans avant le dépôt des accusations - Les tribunaux d'instance inférieure ont-ils commis une erreur en n'ordonnant pas l'arrêt des procédures pour abus de procédure? - Le juge du procès aurait-il dû faire un exposé particulier étant donné le délai? - Comment doit-on déterminer le caractère raisonnable de la force dans l'analyse du moyen de défense prévu à l'art. 43 du *Code criminel*?

En mai 1990, l'appelante a été accusée d'avoir commis des voies de fait sur plusieurs enfants en famille d'accueil dont elle avait pris soin dans les années 1970. Les accusations ont été portées après que certains des anciens enfants que l'appelante avait accueillis, devenus adultes, se furent plaints à la G.R.C. du comportement de l'appelante. Une enquête antérieure sur les allégations d'abus avait été ouverte en octobre 1978 après que l'un des enfants que l'appelante avait accueillis se fut plaint auprès de la direction de l'école que l'appelante avait battu un autre enfant. L'enquête menée principalement par le ministère des Ressources humaines avec l'aide de la G.R.C. a pris fin en janvier 1979. Il avait alors été convenu que l'appelante pourrait continuer d'accueillir des enfants. Les représentants du ministère ont refusé de laisser la police mener une enquête approfondie sur les allégations, et aucune accusation n'a été portée à cette époque.

Immédiatement avant le procès, puis à la clôture de la présentation de la preuve du ministère public, l'appelante a demandé l'arrêt des procédures pour abus de procédure. Sa demande préalable au procès était fondée sur le fait qu'elle croyait avoir été absoute d'avoir fait usage d'une force excessive en 1979. Le juge du procès a rejeté cette demande. La seconde demande, qui a également été rejetée, était fondée sur le préjudice découlant de la perte d'une preuve.

L'appelante a admis avoir eu recours au châtiment corporel, en utilisant la fessée ou une courroie, mais elle s'est défendue des accusations en faisant valoir qu'il s'agissait d'une punition raisonnable dans les circonstances. À l'issue d'un procès devant juge et jury, elle a été acquittée relativement aux accusations de voies de fait simples et déclarée coupable relativement à deux accusations (les chefs 2 et 5 de l'acte d'accusation) de voies de fait causant des blessures corporelles.

L'appel de l'appelante à la Cour d'appel a été accueilli en partie, la Cour concluant que les accusations de voies de fait simples étaient prescrites. Les appels contre les déclarations de culpabilité relativement aux voies de fait causant des blessures corporelles ont été rejetés, le juge Southin étant dissident quant à l'issue de l'appel sur le second chef. L'appelante interjette appel de plein droit quant au second chef, et elle a reçu l'autorisation d'appel quant à la déclaration de culpabilité relativement au cinquième chef.

Origine :	Colombie-Britannique
N° du greffe :	23542
Arrêt de la Cour d'appel :	Le 6 avril 1993
Avocats :	Alexander P. Watt pour l'appelante Elizabeth Bennett pour l'intimée

24140 CAMERON ROBERT LAPORTE v. HER MAJESTY THE QUEEN

Criminal law - Defence - Appeal - Definition of second degree murder and manslaughter - Where no criticism of charge to the jury and jury had asked question about the differences between murder and manslaughter - Whether trial judge erred in failing to include an instruction on provocation in his answer.

The Appellant, Cameron Robert Laporte, and the victim, Kimberly Anne Jones, had had an intermittent relationship for about six years. They were the parents of a five-year old boy who lived with his mother in her apartment separate and apart from the Appellant.

On the day of the victim's 21st birthday, the Appellant had a party for her in her apartment. The victim and her sister left the party about 9:30 pm to go to watch male strippers in a downtown bar. The Appellant was not pleased that she had decided to leave the party. About 3 hours later, the women returned to the apartment. The Appellant had left earlier, telephoned and spoke to the victim. About 1:45 am the Appellant and the Kimberly Jones, the victim went to the home of a friend. The Appellant went to buy beer, and returned to the friend's home. An argument arose between the Appellant and the victim and the victim returned home. The Appellant telephoned the victim and a witness described him as sounding angry. A visitor in a nearby apartment heard banging and thudding sounds with a man's voice repeating over and over "Were you having a good time?" The witness said the man sounded out of control and called the police.

The police found the beaten and unconscious victim on the floor in her blood-spattered apartment. She died in hospital several hours later. Medical evidence disclosed sixteen or seventeen separate points of trauma to the deceased's body probably caused by blows, kicks or being stomped upon. Later that day the Appellant turned himself into custody and gave a voluntary statement. He stated that he saw the victim and his brother, who had been babysitting, coming out of the bedroom. He thought something must have happened and "lost it". The brother ran out of the apartment and the Appellant kicked and kicked the victim.

At trial, the Appellant was convicted of second degree murder. On appeal, the appeal was dismissed with Twaddle J.A. dissenting that the trial judge erred in law in responding to the jury's question by failing to include an instruction on provocation.

Origin of the case: Manitoba

File No.: 24140

Judgment of the Court of Appeal: April 8, 1994

Counsel: Heather Leonoff for the Appellant
Gregg Lawlor for the Respondent

24140 CAMERON ROBERT LAPORTE c. SA MAJESTÉ LA REINE

Droit criminel - Moyen de défense - Appel - Définition de meurtre au deuxième degré et d'homicide involontaire coupable - L'exposé au jury n'a fait l'objet d'aucune critique et le jury a posé une question sur les différences entre le meurtre et l'homicide involontaire coupable - Le juge du procès a-t-il commis une erreur en omettant d'inclure dans sa réponse une directive sur la provocation?

L'appelant, Cameron Robert Laporte, et la victime, Kimberley Anne Jones, ont entretenu une relation irrégulière pendant environ six ans. Ils avaient un garçon de cinq ans qui vivait avec sa mère dans un appartement distinct de celui de l'appelant.

Le jour du vingt-et-unième anniversaire de naissance de la victime, l'appelant a, dans l'appartement de celle-ci, organisé une fête en son honneur. La victime et sa soeur ont quitté la fête à environ 21 h 30 pour aller voir des danseurs exotiques mâles dans un bar du centre-ville. L'appelant n'a pas prisé qu'elle décide de quitter la fête. Approximativement trois heures plus tard, les femmes sont retournées à l'appartement. L'appelant, qui avait quitté plus tôt, a appelé la victime. À environ 1 h 45, l'appelant et Kimberley Jones, la victime, se sont rendus à la résidence d'un ami. L'appelant est allé acheter de la bière, puis est retourné chez l'ami. Une discussion a opposé l'appelant et la victime, à la suite de laquelle celle-ci est retournée chez elle. L'appelant l'a appelée et un témoin a raconté que ce dernier semblait furieux. Un visiteur dans un appartement tout près a entendu des coups et des bruits et une voix d'homme qui répétait sans cesse : [TRADUCTION] «Est-ce que c'était plaisant?» Le témoin a affirmé que l'homme semblait avoir perdu la maîtrise de soi et il a appelé la police.

La police a trouvé la victime battue et inconsciente sur le plancher de son appartement éclaboussé de sang. Elle est morte à l'hôpital plusieurs heures plus tard. La preuve médicale a révélé que le corps de la victime était marqué de seize ou dix-sept points de trauma distincts, probablement le fait de gifles et de coups de pied. Plus tard ce jour-là, l'appelant s'est rendu à la police et a fait une déclaration volontaire. Il a déclaré avoir vu la victime et son propre frère, qui avait gardé l'enfant, sortant de la chambre à coucher. Il a cru que quelque chose s'était passé et a «vu rouge». Le frère s'est sauvé de l'appartement en courant et l'appelant a frappé et frappé la victime.

Au procès, l'appelant a été déclaré coupable de meurtre au deuxième degré. Son appel a été rejeté, le juge Twaddle de la Cour d'appel, dissident, estimant que le juge du procès avait commis une erreur en répondant à la question du jury sans lui donner une directive sur la provocation.

Origine : Manitoba
N° du greffe : 24140
Arrêt de la Cour d'appel : le 8 avril 1994
Avocats : Heather Leonoff pour l'appelant Gregg Lawlor pour l'intimée

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*04 allowed with costs/accueilli avec dépens

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**NOTICES TO THE PROFESSION
AND PRESS RELEASE**
**AVIS AUX AVOCATS ET
COMMUNIQUÉ DE PRESSE**

NOTICE TO THE PROFESSION
AVIS AUX AVOCATS

Counsel are hereby notified of the following amendments to the *Rules of the Supreme Court of Canada*, registered as SOR/94-748 and published in Part II of the Canada Gazette on December 28, 1994.

Les avocats sont avisés des modifications suivantes qui ont été apportées aux *Règles de la Cour suprême du Canada*, et publiées dans DORS/94-748, Gazette du Canada Partie II, le 28 décembre 1994.

1. Time limits for filing response to a leave application
1. Délai imparti pour le dépôt d'une réponse à une demande d'autorisation

Rule 23(11) has been amended to give a respondent **30 days** to serve and file a response to a leave application, an increase from the 20 days previously allowed under the rule. Applicants should note the consequential amendment to the Notice to the Respondent at the end of Form B.1, Notice of Application for Leave to Appeal.

Le paragraphe 23(11) des Règles a été modifié afin d'allouer **30 jours** à l'intimé pour signifier et déposer une réponse à une demande d'autorisation, une augmentation par rapport au délai de 20 jours prévu antérieurement. Les demandeurs doivent prendre note des modifications corrélatives apportées à l'avis à l'intimé à la fin de la formule B.1 (Avis de demande d'autorisation).

2. Abandoned leave applications
2. Abandon des demandes d'autorisation

Rule 25(2)(b) now allows the Registrar to move to dismiss a leave application as abandoned **three months** after the Applicant files a notice of application for leave without serving and filing all the materials necessary for an application for leave. The application will be dismissed as abandoned unless the Applicant obtains an extension of time within **15 days** of receipt of the Registrar's notice. Consequential amendments to Form B.3, the Registrar's notice, have been made.

L'alinéa 25(2)(b) des Règles permet dorénavant au registraire de rejeter une demande d'autorisation à titre de demande abandonnée si, **trois mois** après avoir déposé un avis de demande d'autorisation, le demandeur omet de signifier et de déposer tous les documents utiles à la demande d'autorisation. La demande est rejetée à titre de demande abandonnée sauf si le demandeur obtient une prorogation du délai dans les **15 jours** de la réception de l'avis du registraire. Des modifications corrélatives ont été apportées à la formule B.3 (Avis du registraire).

Any inquiries about these amendments should be addressed to Claude E. Alain, Director of Legal Affairs at (613) 996-7684.

Toutes questions concernant ces modifications doivent être adressées à M^e Claude E. Alain, directeur des Affaires juridiques au (613) 996-7684.

Anne Roland

Registrar - Registraire

January, 1995

Janvier 1995

DEADLINES: MOTIONS

DÉLAIS: REQUÊTES

BEFORE THE COURT:

Pursuant to Rule 23.1 of the *Rules of the Supreme Court of Canada*, the following deadlines must be met before a motion before the Court can be heard:

Motion day : February 6, 1995
Service : January 16, 1995
Filing : January 23, 1995
Respondent : January 30, 1995

Motion day : March 6, 1995
Service : February 13, 1995
Filing : February 20, 1995
Respondent : February 27, 1995

DEVANT LA COUR:

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

Audience du : 6 février 1995
Signification : 16 janvier 1995
Dépot : 23 janvier 1995
Intimé : 30 janvier 1995

Audience du : 6 mars 1995
Signification : 13 février 1995
Dépot : 20 février 1995
Intimé : 27 février 1995

DEADLINES: APPEALS

The next session of the Supreme Court of Canada commences on January 23, 1995.

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

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

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

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

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

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

The Registrar shall enter on a list all appeals inscribed for hearing at the January 1995 Session on November 29, 1994.

DÉLAIS: APPELS

La prochaine session de la Cour suprême du Canada débute le 23 janvier 1995.

Conformément à la *Loi sur la Cour suprême* et aux *Règles*, il faut se conformer aux exigences suivantes avant qu'un appel puisse être inscrit pour audition:

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

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

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

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

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

Le 29 novembre 1994, le registraire met au rôle de la session de janvier 1995 tous les appels inscrits pour audition.

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

Judgments reported in [1994] 3 S.C.R., Part 1

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Buanderie centrale de Montréal Inc. *v.* Montreal (City); Conseil de la santé et des services sociaux de la région de Montréal métropolitain *v.* Montreal (City), [1994] 3 S.C.R. 29

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R. *v.* Kent, [1994] 3 S.C.R. 133

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Jugements publiés dans [1994] 3 R.C.S., partie 1

Québec (Communauté urbaine) *c.* Corp. Notre-Dame de Bon-Secours, [1994] 3 R.C.S. 3

Buanderie centrale de Montréal Inc. *c.* Montréal (Ville); Conseil de la santé et des services sociaux de la région de Montréal métropolitain *c.* Montréal (Ville), [1994] 3 R.C.S. 29

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R. c. Harper, [1994] 3 R.C.S. 343

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