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**APPLICATIONS FOR LEAVE TO
APPEAL FILED**

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

Atlific (Nfld.) Ltd.

Augustus G. Lilly
Stewart McKelvey Stirling Scales

v. (24313)

Hotel Buildings Ltd. et al. (Nfld.)

John F. Roil, Q.C.
O'Reilly, Noseworthy

FILING DATE 30.9.1994

Gerasimos Livaderis

Jeanine E. LeRoy
Cohen Highley Vogel & Dawson

v. (24311)

Her Majesty The Queen (Ont.)

A.G. of Ontario

FILING DATE 30.9.1994

Canadian Pacific Ltd.

W.A. Scott MacFarlane

v. (24317)

Brotherhood of Maintenance of Way Employees

Canadian Pacific System Federation (B.C.)

Kate Hughes
McGrady, Askew & Fiorillo

FILING DATE 6.10.1994

Pino Leo

Loran V. Halyn
Sugimoto & Company

v. (24318)

Her Majesty The Queen (Alta.)

Earl C. Wilson, Q.C.
Agent for the A.G. of Canada

FILING DATE 6.10.1994

The Attorney General of Canada

Brian A. Crane
Gowling, Strathy & Henderson

v. (24319)

**Royal Canadian Mounted Police Public
Complaints Commission et al. (F.C.A.)**

Eleanor A. Cronk
Fasken, Campbell, Godfrey

FILING DATE 12.10.1994

Réjean Hinse

Jean-François Longtin
Langlois Robert

c. (24320)

Sa Majesté La Reine (Qué.)

Pierre Sauvé
Procureur général du Québec

DATE DE PRODUCTION 6.10.1994

14 OCTOBRE 1994

OCTOBER 14, 1994 / LE

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

Gerasimos Livaderis

v. (24311)

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

NATURE OF THE CASE

Criminal law - Trial - Procedural law - Address to the Jury - Trial judge ruled that counsel not define "reasonable doubt" in closing address to the jury - Whether Court of Appeal erred in law in concluding that no harm was occasioned by this ruling - Whether Court of Appeal erred in law in concluding that no harm was done by the trial judge briefly interrupting defence counsel when he attempted to define "reasonable doubt" in the opening of his address to the jury.

PROCEDURAL HISTORY

May 1, 1993
Ontario Court (General Division) (Browne J.)

Conviction: Sexual assault

June 1, 1994
Court of Appeal for Ontario (Catzman, Carthy and
Osborne JJ.A.)

Appeal dismissed

September 30, 1994
Supreme Court of Canada

Application for leave to appeal filed

Brenda Schaff

v. (24278)

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

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Taxation - Family law - Maintenance - Divorce - Assessment - Whether par. 56(1)(b) of the *Income Tax Act*, R.S.C. 1970-71-72, c. 63, is discriminatory under section 15(1) of the *Charter* as imposing a burden or disadvantage on members of the Applicant's group, namely poor, female, single, custodial parents and further, whether the impugned paragraph violates the security of the person of the Applicant and her children contrary to section 7 of the *Charter* - Whether the Court of Appeal erred in adjourning the appeal herein and acted without jurisdiction and/or erred in law by having regard for extraneous and improper considerations.

PROCEDURAL HISTORY

August 5, 1993 Tax Court of Canada (Rip T.C.J.)	Applicant's appeal from her 1990 tax assessment dismissed
May 20, 1994 Federal Court of Appeal (Isaac C.J.F.C.A.)	Hearing of Applicant's s. 28 application adjourned pending the disposition of <i>Thibaudeau v. The Queen</i> application for leave to appeal before the Supreme Court of Canada and any appeal consequent upon leave being granted therein;
June 21, 1994 Federal Court of Appeal (Isaac C.J.F.C.A.)	Motion to set aside order of May 20, 1994, dismissed
September 9, 1994 Supreme Court of Canada	Application for leave to appeal filed

Pan Ocean Oil Ltd.

v. (24290)

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

NATURE OF THE CASE

Taxation - Commercial law - Assessment - Statutes - Interpretation - Amalgamation - Does the corporate law principle that an amalgamating corporation continues to exist in the amalgamated corporation as decided in *Black and Decker Manufacturing Co. Ltd.*, [1975] 1 S.C.R. 411 apply for income tax purposes as previously decided by the Federal Court of Appeal in *The Queen v. Guaranty Properties Ltd. et al.*, (1990) 44 DTC 6363? - Is an amalgamated corporation a new corporation by virtue of the wording of par. 87(2)(a) of the *Income Tax Act* with the result that its tax attributes and entitlement to deductions are limited to those set forth in s. 87 of the *Act* thus resulting in a loss of tax attributes and deductions of an amalgamating corporation to the amalgamated corporation? - Interpretation and application of s. 87 of the *Income Tax Act*.

PROCEDURAL HISTORY

July 30, 1993 Federal Court Trial Division (Jerome A.C.J.)	Applicant's appeal of its 1974 and 1975 tax assessments allowed
May 20, 1994 Federal Court of Appeal (Isaac C.J.F.C.A., Hugessen and Stone J.J.A.)	Appeal allowed: trial judgment set aside
September 15, 1994 Supreme Court of Canada	Application for leave to appeal filed

Arbutus Bay Estates Ltd. and Paula Buchholz

v. (24295)

**Mildred Ethel Emmett, Dennis Michael Emmett,
Forestview Farm Ltd., Howard Ranney Eddy,
Mayne Island Ocean Farms Inc. and
Mayne Island Resources Corporation (B.C.)**

NATURE OF THE CASE

Property law - Real property - Constitutional law - Crown law - Procedural law - Where decision at trial and Court of Appeal that Horton Bay Road continued as a public road to the westerly edge of the Respondents' property, possible constitutional question that part of the land owned by the federal crown from 1919 until 1945 so that provincial legislation

inapplicable in deciding if a public road during that period - Constitutional question not raised until after evidence closed at trial and not on appeal - Whether Court of Appeal erred in dismissing Applicants' application to remit the constitutional issue to the trial judge for a decision.

PROCEDURAL HISTORY

January 30, 1992
Supreme Court of British Columbia
(Huddart J.)

Declaratory judgment that Horton Bay Road is a public road to the point just beyond culvert described by Fred Bennett

January 18, 1994
Court of Appeal for British Columbia
(Legg, Rowles and Finch JJ.A.)

Appeal allowed

August 26, 1994
Court of Appeal for British Columbia
(Legg, Rowles and Finch JJ.A.)

Application for an order remitting the case to the trial judge refused

September 19, 1994
Supreme Court of Canada

Application for leave to appeal filed

**Lois Ahrens, Nancy Campbell, Mary Jane Dyck,
Clair McGimpsey, Terry Ramsay and Loretta Cote**

v. (24298)

**The Alberta Teachers' Association and Her Majesty
the Queen in right of the Province of Alberta (Alta.)**

NATURE OF THE CASE

Procedural law - Prerogative writs - Injunction - Whether the Court of Appeal erred in failing to conclude that the decision of the motion judge was unreasonable in that it was based on a misunderstanding and misapplication of the law as it relates to the test for granting an injunction in "exemption cases" in comparison with "suspension cases" - Whether the Court of Appeal erred in failing to hold that the decision of the motion judge was in error in determining the balance of inconvenience did not favour the Applicants when such decisions was based on a misunderstanding as to the effect granting such relief would have on the validity and operation of the *Teaching Profession Act*, R.S.A. 1980, c. T-3 - Whether the Court of Appeal erred in failing to conclude that the decision of the motion judge was in error for considering and giving undue weight to an unproven "public interest" claimed by the Respondent Alberta Teachers' Association and in failing to consider the "public interest" of the Applicants and other teachers in Alberta.

PROCEDURAL HISTORY

January 10, 1994
Court of Queen's Bench of Alberta (Fraser J.)

Application for an interlocutory injunction dismissed

May 24, 1994
Court of Appeal for Alberta
(Belzil, McClung and Stratton JJ.A.)

Appeal dismissed

September 22, 1994
Supreme Court of Canada

Application for leave to appeal filed

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

**Charles Kieling
Shareholder and Area Shareholder;
An aggrieved area shareholder at the Blumenhof
Elevators and with his name of the Blumenhof
Station list of members of Saskatchewan Wheat Pool
On May 10, 1987**

v. (24285)

Saskatchewan Wheat Pool (Sask.)

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.

PROCEDURAL HISTORY

December 21, 1993
Court of Queen's Bench of Saskatchewan
(Armstrong J.)

Applicant's action declared abuse of process and struck out; Rule 662 of the *Queen's Bench Rule* order

May 17, 1994
Court of Appeal for Saskatchewan
(Bayda C.J.S.C.A., Tallis and Wakeling JJ.A.)

Appeal dismissed

September 13, 1994
Supreme Court of Canada

Application for leave to appeal filed

Brenda Portree

v. (24289)

Woodsmill Homes Ltd. and Pine Hill Management Ltd. (Man.)

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.

PROCEDURAL HISTORY

October 22, 1993
Court of Queen's Bench of Manitoba (Schulman J.)

Action in damages allowed in part

May 25, 1994
Court of Appeal for Manitoba
(Philp, Twaddle and Kroft JJ.A.)

Appeal allowed

September 15, 1994
Supreme Court of Canada

Application for leave to appeal filed

United States Fire Insurance Company

v. (24294)

**Tri-Service Machine Ltd. and Tri-Service
Oilfield Manufacturing Ltd. (Alta.)**

NATURE OF THE CASE

Procedural law - Statutes - Interpretation - Insurance - Limitation of actions - Respondents claiming indemnity against Applicant insurer - Statutory conditions of Part 5 of the *Insurance Act*, R.S.A. 1980, c. I-5, printed in insurance policy - Whether the Court of Appeal erred in its interpretation of the provisions of the *Insurance Act* relating to the applicability of statutory conditions - Whether the Court of Appeal erred in its characterization of the insurance policy.

PROCEDURAL HISTORY

September 12, 1990
Court of Queen's Bench of Alberta (McDonald J.)

Limitation period of one year applicable

May 25, 1994
Court of Appeal for Alberta (Lieberman, McClung
and Stratton JJ.A.)

Appeal allowed

September 16, 1994
Supreme Court of Canada

Application for leave to appeal filed

**Woo Investments Inc., Garry Woo, Douglas Woo,
Canadian Imperial Bank of Commerce, and
Her Majesty the Queen in Right of Canada**

v. (24300)

Confederation Life Insurance Company (Sask.)

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.

PROCEDURAL HISTORY

May 13, 1992
Saskatchewan Court of Queen's Bench
(Osborn J.)

Order Nisi for Foreclosure or for Order Nisi for sale of the mortgage premises; Judgment against Woo Investments Inc. for balance owing and costs on solicitor-client basis. Claim against Garry Woo and Douglas Woo dismissed with costs.

October 22, 1992
Court of Appeal for Saskatchewan
(Gerwing, Sherstobitoff, Lane JJ.A.)

Matters sent back to Court of Queen's Bench for a trial *de novo* on all issues

June 29, 1993
Saskatchewan Court of Queen's Bench
(Barclay J.)

Confederation Life entitled to order nisi for foreclosure or for an order nisi for sale of the mortgage premises; Judgment against Woo Investments Inc. for balance owing and cost on solicitor-client basis; Actions dismissed against Garry Woo and Douglas Woo with costs.

May 25, 1994
Court of Appeal for Saskatchewan
(Tallis, Gerwing and Sherstobitoff JJ.A.)

Appeal allowed; Judgment against Garry Woo and Douglas Woo

September 23, 1994
Supreme Court of Canada

Application for leave to appeal filed

**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. (24282)

Paul A. Smith, M.D. and J.R. Underell, M.D. (N.B.)

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.

PROCEDURAL HISTORY

September 25, 1991
Court of Queen's Bench of New Brunswick
(Russell J.)

Action for professional negligence dismissed

May 2, 1994
Court of Appeal for New Brunswick
(Angers, Ayles and Turnbull JJ.A.)

Appeal dismissed

September 13, 1994
Supreme Court of Canada

Application for leave to appeal filed

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

Heinz Peper

v. (24269)

Rosalyn Peper (Ont.)

NATURE OF THE CASE

Family law - Division of property - Constructive trust - Whether the trial judge erred in law in failing to distinguish between the application of unjust enrichment to parties who are married where their property rights are governed by matrimonial property legislation and between unmarried spouses - Whether the trial judge erred in law in finding that the three elements of unjust enrichment had been met - What is the analytical interface between the equitable doctrine of constructive trust and matrimonial property legislation? - What role should the performance of marital responsibilities have in the founding of an action for unjust enrichment in the context of married spouses whose property rights are regulated by legislation? - Does a married spouse whose property rights are regulated by statute owe a duty to perform marital services?

PROCEDURAL HISTORY

February 23, 1990
Supreme Court of Ontario (McKeown J.)

Declaration: Respondent entitled to one half interest in matrimonial home pursuant to constructive trust

May 5, 1994
Court of Appeal for Ontario
(Houlden, Galligan and Laskin JJ.A.)

Appeal dismissed

September 6, 1994
Supreme Court of Canada

Application for leave to appeal filed

Les Gestions Jean-Pierre Bertrand Inc.

c. (24287)

Compagnie Trust Royal Ltée (Qué.)

NATURE DE LA CAUSE

Code civil - Droit commercial - Contrats - Vente - Preuve - Appel - Compétence - Immeuble vendu par l'intimée à la demanderesse - Intimée consentant à diminuer le prix de vente de 1 800\$ en raison des réparations à effectuer au toit qui coule - Action de la demanderesse contre l'intimée réclamant une somme de 147 474\$ pour la réfection totale du toit - Juge de première instance concluant que la demanderesse fut victime de fausses représentations de la nature du dol incident concernant l'état de la toiture et le coût des réparations à effectuer - La Cour d'appel, à la majorité, a-t-elle erré en renversant les conclusions de fait du juge de première instance et en appliquant la maxime *caveat emptor*?

HISTORIQUE PROCÉDURAL

Le 31 août 1987
Cour supérieure du Québec (Lebrun j.c.s.)

Action principale accueillie: intimée condamnée à verser 23 112,11\$ à la demanderesse; action en garantie contre Mallette, Benoît et Cie accueillie; action en garantie contre Giguère rejetée

Le 16 mai 1994
Cour d'appel du Québec (Brossard [dissident], Fish et Delisle jj.c.a.)

Appel de l'intimée et appel de Mallette accueillis

Le 14 septembre 1994
Cour suprême du Canada

Demande d'autorisation d'appel déposée

La Commission des droits de la personne du Québec

c. (24291)

**Commission scolaire régionale Chauveau,
Commission scolaire Ancienne-Lorette-Montcalm,
Commission scolaire de la Jeune-Lorette,**

et

**Louissette Gervais, Jean-Marc Rouette et Danny Rouette,
Syndicat du personnel de l'enseignement Chauveau
Office des personnes handicapées du Québec
Association du Québec pour l'intégration sociale (Qué.)**

NATURE DE LA CAUSE

Liberté publique - École - Législation - Interprétation - *Charte des droits et libertés de la personne*, L.R.Q., ch. C-12 - *Loi sur l'instruction publique*, L.R.Q., ch. I-13.3 - Discrimination fondée sur le handicap - Exercice en pleine égalité des droits à l'éducation - Quelle est la définition concrète du droit à l'égalité, dans le domaine de l'éducation, pour les élèves qui présentent une déficience intellectuelle? - La ségrégation, fondée sur le handicap, des élèves qui présentent une déficience intellectuelle, dans des classes spéciales, compromet-elle la reconnaissance et l'exercice, en pleine égalité, de leur droit à l'intégrité, de leur droit à la sauvegarde de leur dignité, de leur droit de conclure un acte juridique ayant pour objet des services ordinairement offerts au public et de leur droit à l'instruction publique gratuite? - L'application, aux élèves présentant une déficience intellectuelle, de la norme de la réussite des programmes scolaires comme condition d'accès au cadre ordinaire d'enseignement constitue-t-elle une pratique discriminatoire qui engendre une discrimination systémique?

HISTORIQUE PROCÉDURAL

Le 9 février 1993
Tribunal des droits de la personne
(Rivet, présidente du Tribunal)

Action de la demanderesse accueillie

Le 20 mai 1994
Cour d'appel du Québec (Nichols, Brossard et
Rousseau-Houle, J.J.C.A.)

Appel des intimés accueilli

Le 16 septembre 1994
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Guns N'Roses Missouri Storm Inc.

v. (24286)

Productions Musicales Donald K. Donald Inc. (Qué.)

NATURE OF THE CASE

Procedural law - Civil procedure - Actions - Declinatory exception - Jurisdiction - Commercial law - Contracts - Arbitration - Statutes - Interpretation - Whether a valid arbitration clause contained in the contract between the parties deprived the Superior Court of jurisdiction to decide an incidental action in warranty instituted by the Respondent against the Applicant following a claim against the Respondent by a third party in a principal action - Whether the Court of Appeal erred in law in its interpretation of Articles 71 and 940.1 of the *Code of Civil Procedure*, R.S.Q. 1977, c. C-25 - Whether the Court of Appeal erred in law in its application of *A.S.G. Industries Inc. v. Corporation Superseal*, [1983] 1 S.C.R. 781 and *Zodiak International Productions Inc. v. The Polish People's Republic*, [1983] 1 S.C.R. 529.

PROCEDURAL HISTORY

December 15, 1993
Superior Court of Quebec (Hébert J.S.C.)

Motion to dismiss action in warranty dismissed

May 18, 1994
Court of Appeal of Quebec (Vallerand, Rothman and
Mailhot J.J.A.)

Appeal dismissed

September 13, 1994
Supreme Court of Canada

Application for leave to appeal filed

Céline Therrien-Beaupré

c. (24292)

Procureur général du Canada (Qué.)

NATURE DE LA CAUSE

Droit administratif - Assurance-chômage - Contrôle judiciaire - Législation - Interprétation - Droit fiscal - Cotisation - Emploi assurable - Nombre minimal d'heures de travail à fournir pour occuper un emploi assurable - Période de congé à traitement différé - La Cour d'appel fédérale a-t-elle erré en concluant qu'une période de congé à traitement différé n'était pas un emploi assurable au sens de l'article 3(1)a) de la *Loi sur l'assurance-chômage*, S.C. 1970-71-72, ch. 48? - La Cour d'appel fédérale a-t-elle erré dans l'interprétation de l'article 13 du *Règlement sur l'assurance-chômage*?

HISTORIQUE PROCÉDURAL

Le 14 février 1992
Cour canadienne de l'impôt (Watson, J.C.C.I.)

Ordonnance: l'emploi de la demanderesse est un
emploi assurable au sens de la *Loi sur la
l'assurance-chômage*, S.C. 1970-71-72

APPLICATIONS FOR LEAVE
SUBMITTED TO COURT SINCE LAST ISSUE

REQUÊTES SOUMISES À LA COUR DEPUIS
LA DERNIÈRE PARUTION

Le 19 mai 1994
Cour d'appel fédérale (Desjardins, J.C.A.F.)

Demande de contrôle judiciaire accueillie

Le 16 septembre 1994
Cour suprême du Canada

Demande d'autorisation d'appel déposée

OCTOBER 13, 1994 / LE 13 OCTOBRE 1994

24153 WILLIAM WADE - v. - HER MAJESTY THE QUEEN (Crim.)(Ont.)

CORAM: The Chief Justice and Cory and Iacobucci JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Procedural law - Defence - Statutes - Interpretation - Whether the Court of Appeal erred in law in its determination that, pursuant to section 686(8) of the *Criminal Code*, a Court of Appeal is vested with the authority to limit a new trial, ordered pursuant to Section 686(2), to the issue of guilt as between the offence charged and a lesser and included offence and to thereby preclude a verdict of acquittal at the new trial - Whether the Court of Appeal erred in law prohibiting a trial court from considering a verdict of acquittal in making its determination at a new trial in that such an order violates the presumption of innocence and the Applicant's right to make full answer and defence as guaranteed by Sections 7 and 11(d) of the *Charter*.

23728 STEPHAN MILLS v. HER MAJESTY THE QUEEN (Crim.)(Ont.)

CORAM: La Forest, Cory and Iacobucci JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Evidence - Section 10(b) right to retain and instruct counsel - Reference to the existence and availability of duty counsel and Legal Aid - Interpretation of *R. v. Brydges*, [1990] 1 S.C.R. 190 - Whether the Court of Appeal erred in finding that the information given to a detainee need not include a reference to the toll-free number and immediate free access to legal advice - Whether the Court of Appeal erred in holding no infringement of s. 10(b) where the accused indicates his inability to afford a lawyer and where the accused is not told of the availability of free duty counsel whether the breathalyzer evidence should have been excluded under s. 24(2) - Whether the Court of Appeal erred in finding that the respect for the administration of justice would best be served by the admission of the breathalyzer evidence.

24002 DAVID ATTIS v. THE BOARD OF SCHOOL TRUSTEES, DISTRICT NO. 15 and HUMAN RIGHTS COMMISSION OF NEW BRUNSWICK, MALCOLM ROSS, DEPARTMENT OF EDUCATION OF NEW BRUNSWICK, NEW BRUNSWICK TEACHERS' FEDERATION and CANADIAN JEWISH CONGRESS, and BRIAN BRUCE, BRIAN BRUCE CONSULTANTS LTD., HUMAN RIGHTS BOARD OF INQUIRY, MINISTER OF LABOUR OF NEW BRUNSWICK - AND - THE HUMAN RIGHTS COMMISSION v. THE BOARD OF SCHOOL TRUSTEES, DISTRICT NO. 15, and DAVID ATTIS, and MALCOLM ROSS, DEPARTMENT OF EDUCATION OF NEW BRUNSWICK, NEW BRUNSWICK TEACHERS' FEDERATION, CANADIAN JEWISH CONGRESS, and BRIAN BRUCE, BRIAN BRUCE CONSULTANTS LTD., HUMAN RIGHTS BOARD OF INQUIRY, MINISTER OF LABOUR OF NEW BRUNSWICK - AND - CANADIAN JEWISH CONGRESS v. THE BOARD OF SCHOOL TRUSTEES, DISTRICT NO. 15, and MALCOLM ROSS, and DAVID ATTIS, and HUMAN RIGHTS COMMISSION OF NEW BRUNSWICK, DEPARTMENT OF EDUCATION OF NEW BRUNSWICK, NEW BRUNSWICK TEACHERS' FEDERATION, and BRIAN BRUCE, BRIAN BRUCE CONSULTANTS LTD., HUMAN RIGHTS BOARD OF INQUIRY, MINISTER OF LABOUR OF NEW BRUNSWICK (N.B.)

CORAM: La Forest, Sopinka and Major JJ.

The applications for leave to appeal are granted.

Les demandes d'autorisation d'appel sont accordées.

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Civil rights - Remedies - Whether the Courts erred in not disturbing the Board of Inquiry's holding that the School Board discriminated against the Applicant by failing to take appropriate and timely disciplinary action against Ross for publishing writings which created a poisoned environment within the School Board's school district, contrary to s. 5(1) of the *Human Rights Act*, R.S.N.B. 1973, c. H-11 - Whether the majority of the Court of Appeal erred in holding that, in ordering the remedies, the Board of Inquiry violated Ross' freedom of expression under s. 2(b) of the *Charter* or that the violation was not saved by s. 1 of the *Charter* - Extent to which a human rights tribunal has authority to remedy discrimination by preventing a school board from presenting overtly racist role models as teachers - If the Board of Inquiry's order breaches s. 2(b) of the *Charter*, how the intersecting rights and obligations of parents, teachers, students and school boards should be balanced in a s. 1 inquiry.

24006 **REDPATH INDUSTRIES LTD. v. THE SHIP "CISCO" and KIM CREST, S.A.** (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

Maritime law - Torts - Procedural law - Appeals - Damages - Carriage of goods - Insurance marine - Whether the judgment of the Court of Appeal modifies the practice of marine cargo insurance, adjustment and claims recovery - Whether the judgment of the Court of Appeal puts into question the principle that the measure of damages in carriage of goods by sea actions is primarily based on the market value of the goods at the time and place of the discharge - Whether the judgment of the Court of Appeal misapprehends the principles of mitigation of damages by treating as mitigation to be applied to reduce the damages claimed the mitigation of a different loss from the loss claimed - Whether the Court of Appeal erred by substituting its appreciation of certain evidence to that of the trial judge on a basis of credibility, without reasons - Whether the reasons for judgment of the Court of Appeal are in accordance with the monetary award made.

24093 **ALAN M. SCHWARTZ v. HER MAJESTY THE QUEEN** (F.C.A.)

CORAM: La Forest, Sopinka and Major JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

NATURE OF THE CASE

Taxation - Assessment - Statutes - Interpretation - Contracts - Whether the Minister of National Revenue erred in considering that a "retiring allowance", as defined in s. 248(1) of the *Income Tax Act* includes money received by a taxpayer from a corporation as a consequence of the corporation cancelling an agreement to employ the taxpayer prior to the taxpayer providing services to the corporation.

24109 **SHELLEY MARIE WILSON v. HAROLD JAMES GRASSICK** (Sask.)

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

Family law - Custody and access - Divorce - Section 17(5) of the *Divorce Act*, R.S.C., 1985, c. 3 (2nd Supp.) - Material change in circumstance as it relates to custody - Whether inquiry into change in "conditions, means, needs or other circumstances of the child" relate to specific changes in circumstances of child, or total circumstances of the child and the custodial and non-custodial parents - Whether Court of Appeal erred by their failure to consider the changed circumstances of the child, as reflected by changes in the conditions, means, needs, and other circumstances of the mother and custodial father since the granting of the custody order.

24129 JOSEPH LESLIE CHAISSON v. HER MAJESTY THE QUEEN (Crim.)(N.B.)

CORAM: La Forest, Sopinka and Major JJ.

A hearing is ordered to decide whether this application for leave to appeal should be granted.

Une audition est ordonnée pour décider si cette demande d'autorisation d'appel doit être accordée.

NATURE OF THE CASE

Criminal law - Sentencing - Procedural law - Appeal - Application of s. 741.2 of the *Criminal Code* - Jurisdiction of appellate courts to hear an appeal from an order made pursuant to s. 741.2 of the *Criminal Code* - Whether the Court of Appeal of New Brunswick erred in law by refusing the Applicant's application for leave to appeal his sentence and in particular by its refusal of jurisdiction to deal with the application for leave to appeal sentence as it related to the order pursuant to s. 741.2 of the *Criminal Code*.

24134 NOEL EDWIN BELL v. CANADIAN HUMAN RIGHTS COMMISSION (F.C.A.)

CORAM: La Forest, Sopinka and Gonthier JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

NATURE OF THE CASE

Administrative law - Judicial review - Statutes - Interpretation - Mandatory retirement - Whether the Canadian Human Rights Commission has the power to interpret law - Whether the Canadian Human Rights Commission has the power to make a final decision regarding the constitutionality of the provisions of any statute which is under its consideration - Whether the decision in *McKinney v. University of Guelph*, [1990] 3 S.C.R. 229, has settled the question of the constitutionality of the *Canadian Human Rights Act*, s. 15(c).

24135 **DAVID JOHN COOPER v. CANADIAN HUMAN RIGHTS COMMISSION** (F.C.A.)

CORAM: La Forest, Sopinka and Gonthier JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

NATURE OF THE CASE

Administrative law - Judicial review - Statutes - Interpretation - Mandatory retirement - Whether the Canadian Human Rights Commission has the power to interpret law - Whether the Canadian Human Rights Commission has the power to make a final decision regarding the constitutionality of the provisions of any statute which is under its consideration - Whether the decision in *McKinney v. University of Guelph*, [1990] 3 S.C.R. 229, has settled the question of the constitutionality of the *Canadian Human Rights Act*, s. 15(c).

24147 **KEN RUBIN v. THE CLERK OF THE PRIVY COUNCIL** (F.C.A.)

CORAM: La Forest, Sopinka and Major JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

NATURE OF THE CASE

Statutes - Interpretation - Whether section 35 of the *Access to Information Act*, R.S.C. 1985, c. A-1, is to be interpreted as restricting access to representations made to the Information Commissioner only during the course of the investigation by the Information Commissioner or whether the restriction continues beyond that time.

24146 **DR. MARTIN L. COHNSTAEDT v. UNIVERSITY OF REGINA** (Sask.)

CORAM: La Forest, Sopinka and Major JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

NATURE OF THE CASE

Torts - Damages - Assessment - Whether the majority of the Court of Appeal erred in applying the "loss of a chance" doctrine in the assessment of damages that flows from the breach of the employment contract of a tenured professor appointed pursuant to a statute - Whether the Court of Appeal erred in reducing the damage award of the Applicant by incorrectly setting forth and applying the law of mitigation - Whether the Court of Appeal erred in not awarding pre-judgment interest - Whether the Court of Appeal erred by denying the Applicant the right to call evidence to prove that an agreement was made at trial as to damages in respect of salary and pension.

24139 **WILLIAM R. PHILLIPS v. HER MAJESTY THE QUEEN** (F.C.A.)

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

Taxation - Assessment - Statutes - Interpretation - Whether the Court of Appeal erred in law in deciding that the payment received by the Applicant from his employer to partially reimburse him for housing costs incurred in moving as a result of his job being transferred was in respect of an office or employment - Whether the Court of Appeal erred in law in deciding that the payment received by the Applicant was a "benefit" within the meaning of paragraph 6(1)(a) of the *Income Tax Act* (Canada) R.S.C., 5th Supp., c.1 as amended.

24176 **NORMAN OLSON v. ANTONIO GULLO JR. as administrator of the Estate of ANTONIO GULLO SR., deceased, and GULLO ENTERPRISES LTD.** (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

Property law - Commercial - Estates - Trusts and trustees - Partnerships - Whether the judgment of the Court of Appeal undermines the fiduciary duty as an underpinning of partnership and trust relationships - Whether the judgment of the Court of Appeal fails to recognize and diverts from the trend established as to remedies for breach of fiduciary duty - Whether the judgment of the Court of Appeal results in a groundless and inappropriate distinction between remedies for breach of fiduciary duty in non-partnership, as opposed to partnership, contexts - Whether the Court of Appeal erred in its strict reliance on principles of partnership law, without incorporating principles applicable to breach of fiduciary duty - Judgment of the Court of Appeal in conflict with previous decision in *Lavigne v. Robern* (1984), 51 O.R.(2nd) 60 (C.A.).

24161 **THE OPETCHESAHT, an Indian Band, and DANNY WATTS, suing on his own behalf and on behalf of all the members of the Opetchesahat v. HER MAJESTY THE QUEEN IN RIGHT OF CANADA and BRITISH COLUMBIA HYDRO AND POWER AUTHORITY** (B.C.)

CORAM: La Forest, Sopinka and Major JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

NATURE OF THE CASE

Indians - Statutes - Interpretation - Whether s. 28(2) of the *Indian Act*, R.S.C. 1985, c. I-5, authorizes the Minister, with the consent of the council of the band, to alienate an interest in reserve land for an indefinite time for the purpose of an electric power transmission line right of way.

24193 **WORKERS' COMPENSATION BOARD v. MARION I.E. MELANSON** (N.B.)

CORAM: La Forest, Sopinka and Major JJ.

The application for leave to appeal, the application for leave to cross-appeal and the application for a stay of proceedings are dismissed.

La demande d'autorisation d'appel, la demande d'autorisation d'appel incident et la demande en suspension des procédures sont rejetées.

NATURE OF THE CASE

Administrative law - Appeal - Board - After decision signed, but not issued, executive deciding to make a 'test case' - Whether failure at the intermediate level of Review Committee to maintain procedural fairness in the processing of claim tainted the proceedings before the Appeals Board - Whether privilege attaches to legal opinions requested by the Workers' Compensation Board.

24169 **ROYAL OAK MINES INC. v. CANADIAN ASSOCIATION OF SMELTER AND ALLIED WORKERS (CASAW), LOCAL NO. 4, and CANADA LABOUR RELATIONS BOARD** (F.C.A.)

CORAM: La Forest, Sopinka and Major JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

NATURE OF THE CASE

Labour law - Collective agreement - Jurisdiction - Whether the Canada Labour Relations Board had jurisdiction to impose a collective agreement on a party, in the absence of an express provision in its enabling statute - Whether, following a finding of bargaining in bad faith on a specific issue, the Board has jurisdiction under s. 99(2) of the *Canada Labour Code*, R.S.C. 1985, c. L-2, to impose the terms of a collective agreement on topics which were not the subject of the bad faith bargaining finding so long as "it is impossible to say there is no rational connection" between the unfair practice, its consequences and the remedial order - Whether the Board's order was purely discretionary, or a matter going to its jurisdiction - Whether a finding that a party has bargained in bad faith necessarily involves drawing an inference of surface bargaining.

24217 **R.V.B. v. HER MAJESTY THE QUEEN** (Crim.)(Alta.)

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

Criminal law - Young offenders - Pre-trial procedure - Charge of second degree murder - Transfer test under s. 16(1.1) of the *Young Offenders Act* - Whether proper test applied in confirming Youth Court order transferring proceedings to ordinary court - Whether Court of Appeal erred in admitting new evidence at review stage of transfer hearing - Whether there is an assumption of guilt in transfer hearings that violates ss. 7 and 11(d) of the Charter.

24137 **CLAUDE GRATTON c. DRUKER ET ASSOCIÉS INC. ÈS QUALITÉ DE SYNDIC** (Qué.)

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

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

The application for leave to appeal is dismissed with costs.

NATURE DE LA CAUSE

Droit commercial - Faillite - Vente - Créancier et débiteur - Droit administratif - Contrôle judiciaire - Appel - Rôle du syndic - Radiation d'hypothèque judiciaire - La Cour d'appel du Québec a-t-elle erré en droit en rejetant l'appel du demandeur en raison de son caractère abusif ou dilatoire?

24138 **CLAUDE GRATTON c. DRUKER ET ASSOCIÉS INC. ÈS QUALITÉ DE SYNDIC** (Qué.)

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

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

The application for leave to appeal is dismissed with costs.

NATURE DE LA CAUSE

Droit commercial - Faillite - Vente - Créancier et débiteur - Droit administratif - Contrôle judiciaire - Existence d'un appel de plein droit - La Cour d'appel du Québec a-t-elle erré en droit en refusant de reconnaître au demandeur un droit d'appel de plein droit, en application de l'alinéa 3 de l'article 193 de la *Loi sur la faillite et l'insolvabilité*, L.R.C. (1985), ch. B-3?

24126 **ROXANNE PERRY v. CITY OF VANCOUVER AND THE ATTORNEY GENERAL OF BRITISH COLUMBIA** (B.C.)

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

The application for leave to appeal is dismissed, each party bearing its own costs.

La demande d'autorisation d'appel est rejetée, chaque partie assumant ses propres dépens.

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Constitutional law - City of Vancouver bylaw requiring that any enclosed space containing a film viewer be configured in such a way that it no longer remains an enclosure and is opened to public view - Right to privacy - Right to be secure from unreasonable search and seizure - Void for vagueness doctrine - Whether bylaw 4450 of the City of Vancouver infringes upon sections 7 and 8 of the *Charter* by breaching an individual's right to privacy and to be secure from unreasonable search and seizure - Whether bylaw is contrary to section 7 of the *Charter* because it is unconstitutionally vague in that it so lacks in precision as not to give sufficient guidance for legal debate.

24266 **MAAN SINGH SIDHU c. LE MINISTRE DE L'EMPLOI ET DE L'IMMIGRATION ET LE PROCUREUR GÉNÉRAL** (C.A.F.)(Qué.)

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

La demande d'examen par préférence est accordée, les demandes d'autorisation d'appel et de sursis sont rejetées sans dépens.

The application for expedited consideration is granted, the applications for leave to appeal and for a stay are dismissed without costs.

NATURE DE LA CAUSE

Immigration - *Charte canadienne des droits et libertés* - Droit administratif - Contrôle judiciaire - Appel - Compétence - Recours - Attestation de sécurité nationale délivrée contre le demandeur en application de l'art. 40.1 de la *Loi sur l'immigration*, L.R.C. (1985), ch. I-2 - Audience en Cour fédérale, section de première instance - Caractère raisonnable

de l'attestation de sécurité nationale - Ordonnance confirmant l'attestation de sécurité nationale et ordonnance de déportation - Absence de droit d'appel - La procédure prévue à l'art. 40.1 de la *Loi sur l'immigration* est-elle inconstitutionnelle en ce qu'elle viole les principes de justice naturelle et d'équité procédurale, ainsi que le droit à une audience équitable? - Le mécanisme de l'art. 40.1 de la *Loi sur l'immigration* est-il inopérant et constitutionnellement inapplicable à l'égard du demandeur en ce qu'il viole ses droits fondamentaux à la vie, à la liberté et à la sécurité de sa personne? - Le juge de la Cour fédérale, Section de première instance, a-t-il erré en fait et en droit en considérant que l'attestation de sécurité nationale délivrée contre le demandeur était raisonnable?

REVISED / RÉVISÉ (6.10.1994)

24056 HER MAJESTY THE QUEEN v. PROVINCE OF ALBERTA TREASURY BRANCHES AND THE TORONTO-DOMINION BANK (Alta.)

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

The application for leave to appeal is granted and the application to cross-appeal is granted but limited to the constitutional division of powers' issue.

La demande d'autorisation d'appel est accordée et le pourvoi incident est accueilli mais seulement en ce qui concerne la question du partage constitutionnel des pouvoirs.

NATURE OF THE CASE

Commercial law - Taxation - Customs and excise - Creditors & debtor - Statutes - Interpretation - Bills of exchange - Garnishment - Priority of claims - Whether the holder of a general assignment of book debts is a "secured creditor" within the meaning of ss. 224 of the *Income Tax Act* and 317 of the *Excise Tax Act*, which permit the Applicant to issue a garnishment notice to collect unremitted employee source deductions and Goods and Services Tax, respectively, and provide that monies owing to a tax debtor by a third party in receipt of such a notice become the Applicant's property in priority to the claims of "secured creditors".

30.9.1994

Before / Devant: CHIEF JUSTICE LAMER

Motion to state a constitutional question

Requête pour énoncer une question constitutionnelle

NTC Smokehouse Ltd.

Hugh Braker, for the appellant.

v. (23800)

Her Majesty The Queen (B.C.)

Ivan Whitehall, Q.C. and S. David Frankel, Q.C., for the respondent.

GRANTED / ACCORDÉE

1. Is section 4(5) of the *British Columbia Fishery (General) Regulations*, SOR/84-248, as it read in September of 1986, of no force and effect with respect to the Appellant in the circumstances of these proceedings, in virtue of section 52 of the *Constitution Act, 1982*, by reason of the aboriginal rights within the meaning of section 35 of the *Constitution Act, 1982* invoked by the Appellant?

2. Is section 27(5) of the *British Columbia Fishery (General) Regulations*, SOR 84-248, as it read in September of 1986, of no force and effect with respect to the Appellant in the circumstances of these proceedings, in virtue of section 52 of the *Constitution Act, 1982*, by reason of the aboriginal rights within the meaning of section 35 of the *Constitution Act, 1982* invoked by the Appellant?

1. Le paragraphe 4(5) du *Règlement de pêche général de la Colombie-Britannique*, DORS/84-248, tel qu'il se lisait en septembre 1986, est-il, dans les circonstances de la présente affaire, inopérant à l'égard de l'appelante en vertu de l'art. 52 de la *Loi constitutionnelle de 1982*, en raison des droits ancestraux au sens de l'art. 35 de la *Loi constitutionnelle de 1982*, qu'elle invoque?

2. Le paragraphe 27(5) du *Règlement de pêche général de la Colombie-Britannique*, DORS/84-248, tel qu'il se lisait en septembre 1986, est-il, dans les circonstances de la présente affaire, inopérant à l'égard de l'appelante en vertu de l'art. 52 de la *Loi constitutionnelle de 1982*, en raison des droits ancestraux au sens de l'art. 35 de la *Loi constitutionnelle de 1982*, qu'elle invoque?

30.9.1994

Before / Devant: CHIEF JUSTICE LAMER

Motion to state a constitutional question

Donald Gladstone et al.

v. (23801)

Her Majesty The Queen (B.C.)

Requête pour énoncer une question constitutionnelle

Brian Crane, Q.C., for the appellants.

Ivan Whitehall, Q.C. and S. David Frankel, Q.C., for the respondent.

GRANTED / ACCORDÉE

Is section 20(3) of the *Pacific Herring Fishery Regulations*, SOR/84-324, as it read on April 28, 1988, of no force and effect with respect to the Appellants in the circumstances of these proceedings, in virtue of section 52 of the *Constitution Act, 1982*, by reason of the aboriginal rights within the meaning of section 35 of the *Constitution Act, 1982*, invoked by the Appellants?

Le paragraphe 20(3) du *Règlement de pêche du hareng du Pacifique*, DORS/84-324, tel qu'il se lisait le 28 avril 1988, est-il, dans les circonstances de la présente affaire, inopérant à l'égard des appelants en vertu de l'art. 52 de la *Loi constitutionnelle de 1982*, en raison des droits ancestraux au sens de l'art. 35 de la *Loi constitutionnelle de 1982*, qu'ils invoquent?

30.9.1994

Before / Devant: CHIEF JUSTICE LAMER

Motion to state a constitutional question

Dorothy Marie Van Der Peet

v. (23803)

Her Majesty The Queen (B.C.)

Requête pour énoncer une question constitutionnelle

Louise Mandell, for the appellant.

Ivan Whitehall, Q.C. and S. David Frankel, Q.C., for the respondent.

GRANTED / ACCORDÉE

Is section 27(5) of the *British Columbia Fishery (General) Regulations*, SOR/84-248, as it read on September 11, 1987, of no force and effect with respect to the Appellant in the circumstances of these proceedings, in virtue of section 52 of the *Constitution Act, 1982*, by reason of the aboriginal rights within the meaning of section 35 of the *Constitution Act, 1982*, invoked by the Appellant?

Le paragraphe 27(5) du *Règlement de pêche général de la Colombie-Britannique*, DORS/84-248, tel qu'il se lisait le 11 septembre 1987, est-il, dans les circonstances de la présente affaire, inopérant à l'égard de l'appelante en vertu de l'art. 52 de la *Loi constitutionnelle de 1982*, en raison des droits ancestraux au sens de l'art. 35 de la *Loi constitutionnelle de 1982*, qu'elle invoque?

30.9.1994

Before / Devant: CHIEF JUSTICE LAMER

Motion to state a constitutional question

Jerry Benjamin Nikal

v. (23804)

Her Majesty The Queen in right of Canada (B.C.)

Requête pour énoncer une question constitutionnelle

Peter R. Grant, for the appellant.

Ivan Whitehall, Q.C. and S. David Frankel, Q.C., for the respondent.

GRANTED / ACCORDÉE

Is section 4(1) of the *British Columbia Fishery (General) Regulations*, SOR/84-248, as it read in July of 1986, and licenses issued thereunder, of no force and effect with respect to the Appellant in the circumstances of these proceedings, by virtue of section 52 of the *Constitution Act, 1982*, by reason of the aboriginal rights within the meaning of section 35 of the *Constitution Act, 1982*, invoked by the Appellant?

Le paragraphe 4(1) du *Règlement de pêche général de la Colombie-Britannique*, DORS/84-248, tel qu'il se lisait en juillet 1986, et les permis délivrés en vertu de ce paragraphe sont-ils, dans les circonstances de la présente affaire, inopérants à l'égard de l'appelant en vertu de l'art. 52 de la *Loi constitutionnelle de 1982*, en raison des droits ancestraux au sens de l'art. 35 de la *Loi constitutionnelle de 1982*, qu'il invoque?

30.9.1994

Before / Devant: McLACHLIN J.

Motion for leave to intervene**Requête en autorisation d'intervention****BY/PAR:**

- 1) Louise Mandell, for Alliance of Tribal Councils;
- 2) Harry A. Slade, for First Nations Summit;
- 3) Paul Pearlman, for A.G.B.C.;
- 4) Patrick G. Foy, for C.N.R.;
- 5) Christopher Harvey, Q.C., for B.C. Fisheries Survival Coalition and B.C. Wildlife Society;
- 6) J. Keith Lowes, for Fisheries Council of B.C.;
- 7) Gordon F. Gregory, Q.C., for Atlantic Salmon Federation (Canada)

IN/DANS:

NTC Smokehouse Ltd.

v. (23800)

Her Majesty The Queen (B.C.)

and between

Donald Gladstone, et al.

v. (23801)

Her Majesty The Queen (B.C.)

and between

Allan Frances Lewis, et al.

v. (23802)

Her Majesty The Queen (B.C.)

and between

Dorothy Marie Van Der Peet

v. (23803)

Her Majesty The Queen (B.C.)

and between

Jerry Benjamin Nikal

v. (23804)

Her Majesty The Queen in right of Canada (B.C.)

Judgment was rendered on / Jugement rendu le:

3.10.1994

Hugh Braker, for NTC Smokehouse Ltd.

Brian Crane, Q.C., for Donald Gladstone et al.

Harry Slade, for Allan Frances Lewis et al.

Louise Mandell, for Dorothy Marie Van Der Peet.

Peter R. Grant, for Jerry Benjamin Nikal.

S. David Frankel, Q.C. and Ivan Whitehall, Q.C., for the respondent.

McLACHLIN J. -- I have before me seven motions to intervene on various of these appeals. I will deal with each in turn. The applications also included requests relating to the length of factums and raised concerns about additional materials which the proposed interventions might entail. These aspects of the applications are not dealt with in these reasons and are deferred to a later date.

Application of the Alliance of Tribal Councils

This applicant seeks to leave to intervene on the *Lewis* and *Nikal* appeals. It was an interveners in the courts below. For the past decade the Alliance has been immersed in the issues raised by these appeals. I am satisfied that its application meets the requirements of Rule 18 and would allow the application.

Application of the First Nations Summit

This applicant seeks leave to intervene on the *N.T.V.*, *Gladstone* and *Van Der Peet* appeals. The application was opposed on the basis that this applicant would offer no new perspective. The applicant represents 140 of 197 Indians bands in British Columbia. It is involved in treaty negotiations on their behalf. I am satisfied that these appeals may impact on these negotiations and that the First Nations Summit has a unique and helpful perspective to offer. I would allow the application.

Application of the Attorney-General for British Columbia

The Attorney-General seeks leave to intervene on the *N.T.C.*, *Gladstone*, *Lewis* and *Nikal* appeals. It intervened below. There is no doubt of its interest or ability to make a useful contribution on the appeal. I would allow the application.

Application of the C.N.R.

The C.N.R. seeks leave to intervene on the *N.T.C.*, *Lewis*, and *Nikal* appeals. It intervened in the courts below. The application is opposed by those appellants. I am satisfied that the interests of the C.N.R. may be affected by the outcome of these appeals and that the C.N.R. has a unique and valuable perspective to offer. I would allow the application.

Application of the B.C. Fisheries Survival Coalition and the B.C. Wildlife Federation

This is a joint application. The applicants seek leave to intervene in all five appeals. The Coalition was an intervener in the proceedings below; the Wildlife Federation was not. The Coalition represents the commercial fishing interests; the Federation represents sports fishermen. The interests of both may well be affected by the outcome of these appeals and I am satisfied that they will both make a contribution not otherwise available to the court. I would allow the application.

Application of the Fisheries Council of B.C.

This applicant seeks leave to intervene in all five appeals. The application is opposed. The applicant was an intervener below. It represents fish processors and is concerned with all aspects of the fishery, from harvesting to international marketing. Unlike the B.C. Fisheries Survival Coalition, it claims to count aboriginal fishers among the interests it represents. I am satisfied that it offers a distinct perspective and may assist on the appeal, and that it will not, as contended, merely duplicate the submissions of others. I would allow the application.

Application of the Atlantic Salmon Federation

This applicant seeks to intervene in the *N.T.C.*, *Gladstone* and *Van Der Peet* appeals. The application is opposed. The applicant was not an intervener below. It seeks to put before the court information and submissions on how the decisions on these appeals might affect the Atlantic salmon fishery. Its goal would be to urge the Court to reject extension of any commercial aboriginal right of fishery to situations where stocks may be endangered. This argument relates to the "justification" issue which was raised below but upon which the courts below did not pronounce. It therefore may or may not figure on the appeal. If the issue does arise, it appears that the concern expressed by this applicant for the need to preserve endangered species is shared by all parties to this appeal, and is one which may be expected to be fully defended, should the need arise, by the Attorneys-General. The aboriginal interest claims relevant to the Atlantic fishery are largely related to treaties, while the claims at issue on the appeals do not. Finally, the intervention would involve introducing a new subject matter to the appeals, namely the state of the Atlantic salmon fishery. These considerations lead me to conclude that the general perspective offered by this applicant will be put before the Court by others, and that the details it seeks to add would expand the appeal into new and different areas of dispute. I would dismiss the application.

5.10.1994

Before / Devant: CHIEF JUSTICE LAMER

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

Her Majesty The Queen

v. (23749)

David Gordon Barrett (Ont.)

GRANTED / ACCORDÉE

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

With the consent of the parties.

6.10.1994

Before / Devant: THE REGISTRAR

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

Her Majesty The Queen

v. (23978)

William John Dubasz (Alta.)

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

With the consent of the parties.

GRANTED / ACCORDÉE Time extended to October 3, 1994.

6.10.1994

Before / Devant: LE JUGE EN CHEF LAMER

**Requête pour énoncer une question
constitutionnelle**

Franck Côté et al.

c. (23707)

Sa Majesté La Reine (Qué.)

Motion to state a constitutional question

Avec le consentement des parties.

ACCORDÉE / GRANTED

1. L'article 5 du *Règlement sur les zones d'exploitation contrôlée*, tel qu'il se lisait à l'époque des infractions reprochées, est-il inopérant aux appelants, dans les circonstances de l'espèce, sur leur territoire ancestral de chasse et de pêche, en vertu de l'article 88 de la *Loi sur les Indiens* et/ou de l'article 52 de la *Loi constitutionnelle de 1982*, en raison des droits issus d'un traité, qui aurait été conclu à Swegatchy, en août 1760, ou en raison des droits ancestraux des peuples autochtones que les appelants ont invoqués?

2. Le paragraphe 4(1) du *Règlement de pêche du Québec*, tel qu'il se lisait à l'époque des infractions reprochées, est-il inopérant à l'appelant Franck Côté, dans les circonstances de l'espèce, sur son territoire ancestral de chasse et de pêche, en vertu de l'article 52 de la *Loi constitutionnelle de 1982*, en raison des droits ancestraux des peuples autochtones ou des droits issus d'un traité qui aurait été conclu à Swegatchy, en août 1760, au sens de l'article 35 de la *Loi constitutionnelle de 1982*, que l'appelant a invoqués?

1. Is section 5 of the *Regulations respecting controlled zones*, as it read at the time of the offences charged, unenforceable against the Appellants, in the circumstances of the present case, on their ancestral hunting and fishing lands, pursuant to s. 88 of the *Indian Act* and/or s. 52 of the *Constitution Act, 1982*, by reason of the rights under a treaty allegedly concluded at Swegatchy, in August 1760, or by reason of the aboriginal rights of the aboriginal peoples invoked by the Appellants?

2. Is section 4(1) of the *Quebec Fishery Regulations*, as it read at the time of the offences charged, unenforceable against the Appellant Franck Côté, in the circumstances of the present case, on his ancestral hunting and fishing lands, pursuant to s. 52 of the *Constitution Act, 1982*, by reason of the aboriginal rights of the aboriginal peoples or the rights under a treaty allegedly concluded at Swegatchy, in August 1760, within the meaning of s. 35 of the *Constitution Act, 1982*, invoked by the Appellant?

6.10.1994

Before / Devant: THE REGISTRAR

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

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

Eric Ralph Biddle

With the consent of the parties.

v. (23734)

Her Majesty The Queen (Ont.)

GRANTED / ACCORDÉE

7.10.1994

Before / Devant: CHIEF JUSTICE LAMER

Motion for leave to intervene

BY/PAR: David Allen Pugh (24257)

IN/DANS: Her Majesty The Queen

v. (23876)

Darryl Gordon Park (Alta.)

Requête en autorisation d'intervention

Marvin R. Bloos, for the motion.

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

Consent filed by the respondent.

RESERVED / EN DÉLIBÉRÉ

**NOTICES OF APPEAL FILED SINCE
LAST ISSUE**

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

11.10.1994

Joseph Burke

v. (24071)

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

3.10.1994

Allayher Sohrabian

v. (24321)

Her Majesty The Queen (Ont.)

AS OF RIGHT

6.1.1994

Her Majesty The Queen

v. (24322)

Marwin G. (Ont.)

AS OF RIGHT

6.10.1994

Her Majesty The Queen

v. (24323)

Murray Calder (Ont.)

AS OF RIGHT

**NOTICES OF INTERVENTION FILED
SINCE LAST ISSUE**

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

BY/PAR: Attorney General of Canada
Procureur général du Québec
Attorney General of Alberta

IN/DANS: **Her Majesty The Queen**

v. (24020)

Patrick Pontes (Crim.)(B.C.)

**NOTICES OF DISCONTINUANCE
FILED SINCE LAST ISSUE**

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

12.10.1994

Compagnie d'Assurance canadienne générale

c. (24225)

Auberge Rolande St-Pierre Inc. (Qué.)

(requête)

**APPEALS HEARD SINCE LAST ISSUE
AND DISPOSITION**

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

7.10.1994

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

Her Majesty The Queen

William F. Ehrcke, for the appellant.

v. (23748)

Nathen Bernshaw (Crim.)(B.C.)

Robert A. Higinbotham, for the respondent.

THE CHIEF JUSTICE (orally)-- The appeal is allowed, the judgment of the British Columbia Court of Appeal is set aside and the conviction and sentence imposed at trial restored. Reasons to follow.

LE JUGE EN CHEF (oralement) -- Le pourvoi est accueilli, le jugement de la Cour d'appel de la Colombie-Britannique est infirmé et la déclaration de culpabilité et la peine prononcées au procès sont rétablies. Motifs à suivre.

7.10.1994

CORAM: Le juge en chef Lamer et les juges La Forest, L'Heureux-Dubé, Sopinka, Cory, McLachlin et Major.

Jocelyne Levasseur

Yvan Lerner, pour l'appelant.

c. (24072)

Sa Majesté La Reine (Crim.)(Qué.)

Pierre Sauv , pour l'intim e.

LE JUGE EN CHEF (oralement) --   la majorit , nous sommes d'avis d'accueillir le pourvoi aux motifs de M. le juge Fish de la Cour d'appel du Qu bec. Madame le juge L'Heureux-Dub  dissidente aurait rejet  l'appel  tant d'avis que l'adresse du juge au jury ne contenait pas d'erreur de nature   priver l'appelant d'un proc s juste et  quitable. L'appel est accueilli et un nouveau proc s est ordonn .

THE CHIEF JUSTICE (orally) -- A majority of us would allow the appeal for the reasons given by Fish J.A. of the Quebec Court of Appeal. Madame Justice L'Heureux-Dub , dissenting, would have dismissed the appeal, being of the view that the judge's charge to the jury did not contain any error such as would deprive the appellant of a fair and equitable trial. The appeal is allowed and a new trial is ordered.

11.10.1994

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

Matsqui Indian Band et al.

v. (23643)

Canadian Pacific Ltd. et al.

and between

Siska Indian Band et al.

v.

Canadian Pacific Ltd. (F.C.A.)(Ont.)

Arthur Pape and Alisa Noda, for the appellants Matsqui Indian Band et al.

John L. Finlay and Fiona C.M. Anderson, for the appellants Siska Indian Band et al.

Leslie J. Pinder, for the intervener the Indian Taxation Advisory Board.

Norman D. Mullins, Q.C. and W.A.S. MacFarlane, for the respondents.

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

Administrative law - Indians - Taxation - Constitutional law - Division of powers - Statutory instruments - Appeal - Courts - Jurisdiction - Judicial review - Assessment appeal provisions in by-law - Motion pursuant to s. 18 of the *Federal Court Act* to quash and set aside a notice of tax assessment issued by the individual Appellants against the Respondents on lands in the Appellants' reserves which the Respondents contend are exempt from taxation - Whether the Appellants have jurisdiction under s. 83(3) of the *Indian Act* to make a by-law establishing the Federal Court as the forum for appeals from assessments made for the purposes of taxation under s. 83(1)(a), or from Boards of Review created to hear appeals from such assessments - Whether the appeal tribunals or Boards of Review have jurisdiction to decide the Respondents' complaint that their interests were wrongly placed on the assessment roll - Whether the alternative remedy principle applies - Adequacy of by-laws appeal procedure - Discretion of the trial judge.

Nature de la cause:

Droit administratif - Indiens - Taxation - Droit constitutionnel - Partage des pouvoirs - Textes réglementaires - Appel - Tribunaux - Compétence - Contrôle judiciaire - Un règlement d'évaluation prévoit un appel - Requête en vertu de l'art. 18 de la *Loi sur la Cour fédérale* visant l'annulation d'un avis de cotisation envoyé par chacun des appelants aux intimées, relatif à des terres situées dans les réserves que les intimées soutiennent être exemptées de taxes - Les appelants ont-ils compétence en vertu du par. 83(3) de la *Loi sur les Indiens* pour établir un règlement prévoyant que la Cour d'appel fédérale est le tribunal d'appel relativement à des cotisations établies aux fins de taxation en vertu de l'al. 83(1)a), ou à des décisions des comités de révision créés pour entendre les appels concernant ces cotisations? - Les tribunaux d'appel ou les comités de révision ont-ils compétence pour trancher la plainte des intimées qui soutiennent que leurs droits ont été irrégulièrement portés sur le rôle d'évaluation? - Le principe de l'existence d'un autre recours s'applique-t-il? - Bien-fondé de la procédure d'appel établie par règlement - Pouvoir discrétionnaire du juge de première instance.

12.10.1994

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

Winnipeg Condominium Corporation No. 36

v. (23624)

Bird Construction Co. Ltd. (Man.)

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

Torts - Negligence - Real property - Contracts - Economic loss - Whether an immediate successor in title can recover damages for pure and direct economic loss resulting from the negligence of a contractor originally retained to construct a building - Whether in a situation involving the collapse of a portion of the exterior cladding of a residential building, with resultant danger to the remainder of the building, unit-owners and passers-by, the entire cost of replacing the masonry can properly be described as "pure economic loss" - Whether the law in Canada is contradictory and unsettled on these points - Whether the maxim "*caveat emptor*" is applicable when realty is neither sold nor transferred but is, rather, converted into a condominium - Whether the foregoing questions should properly be dealt with by way of summary judgment without all relevant evidence being before the Court - Whether the Court of Appeal made palpable and overriding errors.

Kevin T. Williams and Paul Forsyth, for the appellant.

Sidney Green, Q.C. and Murdoch McKay, Q.C., for the respondent.

David I. Marr and Roger B. King, Q.C., for the intervener Smith Carter Partners.

Nature de la cause:

Responsabilité délictuelle - Négligence - Immeubles - Contrats - Perte économique - Une personne qui tient son titre de propriété directement du propriétaire précédent peut-elle obtenir des dommages-intérêts pour une perte purement économique résultant directement de la négligence de l'entrepreneur qui avait construit l'immeuble? - Dans un cas où il s'agit de l'effondrement d'une partie du revêtement extérieur d'un immeuble d'habitation, entraînant du danger pour le reste de l'immeuble, pour les propriétaires des unités de logement et pour les passants, la totalité du coût du remplacement de la maçonnerie peut-elle être à juste titre qualifiée de «perte purement économique»? - Les règles de droit canadiennes sont-elles contradictoires et incertaines sur ces points? - La maxime «*caveat emptor*» s'applique-t-elle lorsqu'un bien immeuble ne fait l'objet ni d'une vente ni d'un transfert mais est plutôt transformé en condominium? - Convient-il de répondre aux questions précédentes par voie de jugement sommaire, sans que la cour ne dispose de la totalité des preuves pertinentes? - La Cour d'appel a-t-elle commis des erreurs manifestes et dominantes?

12.10.1994

CORAM: La Forest, Sopinka, Gonthier, Cory, McLachlin, Iacobucci and Major JJ.

Herbert Raymond Webster

John Fairburn, for the appellant.

v. (23085)

**British Columbia Hydro and Power Authority
(B.C.)**

Linda A. Loo, Q.C. and Glenn A. Urquhart, for the
respondent.

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

Torts - Contract - Appellant wrongfully dismissed twenty six months prior to pension vesting date - Assessment of reasonable notice - Significance of imminence of vesting date - Is there a maximum notice period? - Did Court of Appeal err in overturning finding of fact by trial judge?

Nature de la cause:

Responsabilité délictuelle - Contrat - L'appelant a été congédié sans motif légitime vingt-six mois avant la date de l'acquisition du droit à la pension - Détermination de ce qui constitue un préavis raisonnable - Importance de l'imminence de la date de l'acquisition du droit à la pension - Existe-t-il un délai maximal de préavis? - Est-ce à tort que la Cour d'appel a écarté une conclusion de fait du juge de première instance?

13.10.1994

CORAM: La Forest, Sopinka, Gonthier, Cory, McLachlin, Iacobucci and Major JJ.

Mayfield Investments Ltd.

v. (23739)

Gillian Stewart et al.

and between

Gillian Stewart et al.

v.

**Mayfield Investments Ltd. operating as the
Mayfield Inn et al. (Alta.)**

Daniel W. Hagg, Q.C. and Allan A. Greber, for the
appellant Mayfield Investments Ltd.

J. Philip Warner, Q.C. and Doris I. Wilson, for the
respondents/cross-appellant Gillian and Keith
Stewart.

Peter R. Chomicki, Q.C., for the respondent Stuart
David Pettie.

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

Torts - Damages - Negligence - Standard of care -
Extent of liability - Causation - Gillian Stewart was
injured in motor vehicle accident following a party at
dinner theatre operated by Mayfield and attended by
the Stewarts and Pettie - Pettie driving while
intoxicated - Action in damages against Mayfield
allowed - Liability to the public for service of liquor
-Policy considerations in relation to the duty of care -
Increased risk as proof of causation - Whether
knowledge of the consumption of sufficient liquor to
cause intoxication would establish gross negligence
on the "marked departure" test when a motor vehicle
accident results - Removal of conflict between
criminal law and civil law where the same "marked
departure" test applies -Percentage of total liability
assessed against Mayfield if negligence of Pettie
amounts to gross negligence.

Nature de la cause:

Responsabilité civile - Dommages - Négligence -
Norme de diligence - Étendue de l'obligation -
Causalité - Gillian Stewart a subi des blessures dans
un accident de véhicule automobile survenu à la
suite d'une fête à laquelle avaient assisté les Stewart
et Pettie dans un café-théâtre exploité par Mayfield.
- Pettie conduisait alors qu'il était en état d'ébriété -
L'action en dommages-intérêts contre Mayfield a été
accueillie - Responsabilité envers le public de
quiconque sert des boissons alcoolisées -
Considérations touchant l'ordre public en ce qui
concerne l'obligation de diligence - Le risque accru
comme preuve de l'existence d'un lien causal - Le
fait de savoir que quelqu'un a consommé des
boissons alcoolisées en quantité suffisante pour
causer l'ivresse constituerait-il, dans un cas où il en
résulte un accident de véhicule automobile, une
preuve de négligence grave selon le critère de
l'«écart marqué»? - Élimination du conflit entre le
droit criminel et le droit civil dans un cas où
s'applique le même critère de l'«écart marqué» -
Dans quelle proportion la responsabilité doit-elle
être imputée à Mayfield si la négligence de Pettie est
grave?

WEEKLY AGENDA

ORDRE DU JOUR DE LA SEMAINE

AGENDA for the week beginning October 17, 1994.
ORDRE DU JOUR pour la semaine commençant le 17 octobre 1994.

<u>Date of Hearing/ Date d'audition</u>	<u>NO.</u>	<u>Case Number and Name/ Numéro et nom de la cause</u>
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The Court is not sitting this week

La Cour ne siège pas cette semaine

NOTE:

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

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

DEADLINES: MOTIONS

DÉLAIS: REQUÊTES

BEFORE THE COURT:

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

Motion day : November 7, 1994

Service : October 17, 1994
Filing : October 24, 1994
Respondent : October 31, 1994

Motion day : December 5, 1994

Service : November 14, 1994
Filing : November 21, 1994
Respondent : November 28, 1994

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 : 7 novembre 1994

Signification : 17 octobre 1994
Dépôt : 24 octobre 1994
Intimé : 31 octobre 1994

Audience du : 5 décembre 1994

Signification : 14 novembre 1994
Dépôt : 21 novembre 1994
Intimé : 28 novembre 1994

DEADLINES: APPEALS

The next session of the Supreme Court of Canada commences on October 3, 1994.

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

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

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

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

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

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

The Registrar shall enter on a list all appeals inscribed for hearing at the October 1994 Session on August 9, 1994.

DÉLAIS: APPELS

La prochaine session de la Cour suprême du Canada débute le 3 octobre 1994.

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

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

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

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

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

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

Le 9 août 1994, le registraire met au rôle de la session d'octobre 1994 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] 2 S.C.R., Part 5

Marzetti v. Marzetti, [1994] 2 S.C.R. 765

R. v. Chartrand, [1994] 2 S.C.R. 864

R. v. Clemente, [1994] 2 S.C.R. 758

R. v. François, [1994] 2 S.C.R. 827

Reference re Quebec Sales Tax, [1994] 2 S.C.R. 715

Tataryn v. Tataryn Estate, [1994] 2 S.C.R. 807

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

Jugements publiés dans [1994] 2 R.C.S., partie 5

Marzetti c. Marzetti, [1994] 2 R.C.S. 765

R. c. Chartrand, [1994] 2 R.C.S. 864

R. c. Clemente, [1994] 2 R.C.S. 758

R. c. François, [1994] 2 R.C.S. 827

Renvoi relatif à la taxe de vente du Québec, [1994] 2
R.C.S. 715

Tataryn c. Succession Tataryn, [1994] 2 R.C.S. 807
