

**SUPREME COURT
OF CANADA**



**COUR SUPRÊME
DU CANADA**

**BULLETIN OF
PROCEEDINGS**

**BULLETIN DES
PROCÉDURES**

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Le Bulletin rassemble les procédures devant la Cour dans la langue du dossier. Quand un arrêt est rendu, on peut se procurer les motifs de jugement en adressant sa demande au registraire, accompagnée de 10 \$ par exemplaire. Le paiement doit être fait à l'ordre du Receveur général du Canada.

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**APPLICATIONS FOR LEAVE TO
APPEAL FILED**

Rodrigue Girard
Rodrigue Girard

c. (26559)

**Corporation municipale de Saint-Léonard de
Portneuf (Qué.)**
Pothier, Delisle, S.EN.C.

DATE DE PRODUCTION 26.3.1998

Doris Mae Eisenhauer
Donald C. Murray
Pink Murray Graham

v. (26561)

Her Majesty The Queen (N.S.)
Dana W. Giovannetti
Nova Scotia Public Prosecution Service

FILING DATE 8.4.1998

Claude Deslauriers
Claude Deslauriers

c. (26565)

Le Bureau de l'OAGQ et al. (Qué.)
Pierre C. Gagnon
Lavery, de Billy

DATE DE PRODUCTION 3.4.1998

**604598 Saskatchewan Ltd., carrying on business
under the name of "The Great Canadian
Superbar"**
Ronald J. Dumonceaux
Merchant Law Group

v. (26566)

**The Saskatchewan Liquor and Gaming Authority
et al. (Sask.)**
D. Kovatch
Woloshyn Mattison

FILING DATE 3.4.1998

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

Anderson T. Walcott
Anderson T. Walcott

v. (26567)

**Her Majesty The Queen in right of Ontario et al.
(Ont.)**
Michael Fleishman
A.G. of Ontario

FILING DATE 20.3.1998

Ronald Fortin
Ronald Fortin

c. (26552)

Jean Gosselin et al. (Qué.)
Jean Gosselin

DATE DE PRODUCTION 19.3.1998

Canadian Imperial Bank of Commerce et al.
Kevin R. Aalto
Gowling, Strathy & Henderson

v. (26568)

Montego Forest Products (Holdings) Ltd. (Ont.)
Fred Tayar
Fred Tayar & Assoc.

FILING DATE 6.4.1998

600 Talbot Street London Limited et al.
Robert A. Spence

v. (26569)

**Middlesex Condominium Corporation No. 87
(Ont.)**
N.W. Fursman
Siskind, Cromarty, Ivey & Dowler

FILING DATE 6.4.1998

Jeffrey Aaron Beyer
Jeffrey Aaron Beyer

v. (26437)

Her Majesty The Queen (Man.)
Murray J. Conklin
Manitoba Justice

FILING DATE 9.4.1998

KLM Royal Dutch Airlines
Jack Woodward
Woodward & Co.

v. (26572)

**Her Majesty The Queen in right of the province of
British Columbia (B.C.)**
John Finlay
Arvay Finlay

FILING DATE 8.4.1998

D.J.S.
Richard C.C. Peck, Q.C.
Peck and Tammen

v. (26573)

Her Majesty The Queen (B.C.)
W.F. Ehrcke, Q.C.
Crown Counsel - Criminal Appeals

FILING DATE 8.4.1998

Peter Nordyne
Gary M. Chayko

v. (26574)

Her Majesty The Queen (Qué.)
Robert Frater
A.G. of Canada

FILING DATE 8.4.1998

**Nancy Chappell and News Publishing Co. Ltd. et
al.**

Donald W. Skogstad
Personal Law Corporation

v. (26571)

J.M.F. (B.C.)
Howard Rubin

FILING DATE 7.4.1998

Ian Fergus Hunter
Ian Fergus Hunter

v. (26580)

Her Majesty The Queen (B.C.)
Kenneth J. Yule
Dept. of Justice

FILING DATE 17.4.1998

T.B.K.
Michael F.W. Bennett

v. (26581)

Her Majesty The Queen (Ont.)
Scott Hutchison
A.G. of Ontario

FILING DATE 9.4.1998

Harry Joseph Find et al.
Harry Joseph Find

v. (26575)

Bombardier Credit Ltd. (Ont.)
James R. Fisher
Brown, Beattie, O'Donovan

FILING DATE 7.4.1998

Antoine Thibault

Jean-François Bertrand
Guy Bertrand & Associés

c. (26576)

Collège des médecins du Québec et al. (Qué.)

Pierre Laurin
Flynn, Rivard

DATE DE PRODUCTION 9.4.1998

Distributions Percour Inc.

Julius Grey
Grey, Casgrain

c. (26577)

Boutique de sexe Ultramag Inc. et al. (Qué.)

Guy Sirois

DATE DE PRODUCTION 14.4.1998

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

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

APRIL 14, 1998 / LE 14 AVRIL 1998

**CORAM: Chief Justice Lamer and McLachlin and Iacobucci JJ. /
Le juge en chef Lamer et les juges McLachlin et Iacobucci**

Roger Wallace Warren

v. (26216)

Her Majesty The Queen (Crim.)(N.W.T.)

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Confessions - Whether the Court of Appeal erred in holding that the Applicant's confession was voluntary - Whether the Court of Appeal erred in holding that the Applicant's s. 10(b) *Charter* rights were not infringed - Expert evidence - Whether the Court of Appeal erred in holding that the Applicant's expert could not testify in relation to false confessions - Whether the trial judge's instruction to the jury that a statement made against interest is likely to be true was in error - Whether the Court of Appeal erred in holding that the Applicant was correctly prohibited from cross-examining police on his pre-confession exculpatory statements - Whether the trial judge's charge on second degree murder was correct - Whether the Applicant's rights under s. 9 of the *Charter* were infringed during the remand procedure.

PROCEDURAL HISTORY

January 20, 1995 Supreme Court of the Northwest Territories (de Weerd J.)	Conviction: second degree murder (9 counts)
July 15, 1997 Court of Appeal for the Northwest Territories (McClung, Hetherington, Foisy JJ.A.)	Appeal dismissed
September 30, 1997 Supreme Court of Canada (McLachlin J.)	Motion for the extension of time, Motion to file a lengthy memorandum or argument, motion to appoint counsel granted
December 1, 1997 Supreme Court of Canada	Application for leave to appeal filed
February 5, 1998 Supreme Court of Canada (Registrar)	Respondent's motion for the extension of time granted

Canadian Standards Association

v. (26433)

**Jim Campbell and Michelle Ann-Marie Isherwood
Flexwatt Corporation, Wintertherm Corporation,
Her Majesty The Queen in Right of the province of British Columbia,
Thermaflex Limited, Aztech International Ltd., Flexel International Ltd.,**

**Adair Industries Ltd., City of Vancouver, City of West Vancouver,
City of Victoria, City of North Vancouver, District of North Vancouver,
City of Burnaby, Corporation of the City of New Westminster,
District of Maple Ridge and City of Surrey,
City of Abbotsford (B.C.)**

NATURE OF THE CASE

Procedural law - Actions - Pre-trial procedure - Certification of class action - Chambers judge ordering certification of class of plaintiffs in whose homes allegedly defective heating panels were installed - Class comprised of approximately 2,000 plaintiffs in the province of British Columbia - Manufacturers and distributors of panels bankrupt - Applicant had set standard and approved product for use and installation - Problems with certain types of heating panels resulting in disconnect order by the Province - Damages suffered by plaintiffs - Chambers judge certifying threshold issues to be determined in a series of class proceedings trials - Court of Appeal upholding decision with amendments to certification order - Applicant appealing from interlocutory order on the grounds, *inter alia*, that class proceedings severely limit right to discovery of individual plaintiffs regarding possibility of negligent installation and right to seek contribution and indemnity from third parties.

PROCEDURAL HISTORY

June 14, 1996 Supreme Court of British Columbia (Hutchison, J.)	Order for certification of class action
November 7, 1997 Court of Appeal for British Columbia (Cumming, Newbury and Huddart JJ.A.)	Applicant's appeal dismissed; Respondents' appeal allowed; order for certification modified
January 6, 1998 Supreme Court of Canada	Application for leave to appeal filed

**CORAM: L'Heureux-Dubé, Gonthier and Bastarache JJ. /
Les juges L'Heureux-Dubé, Gonthier et Bastarache**

Provincial Tax Commissioner

v. (26423)

**Maritime Dredging Limited and
Island Regulatory and Appeals Commission (P.E.I.)**

NATURE OF THE CASE

Taxation - Assessment - Constitutional law - Whether Prince Edward Island has territorial jurisdiction over its land and waters or not, whether the Federal Government has complete jurisdiction, or whether that jurisdiction is shared - Whether the decision of the Commission, upheld by the Court of Appeal, interpreted and applied s. 12(1)(u) of the *Revenue Tax Act*, R.S.P.E.I. 1988 Cap. R-14 correctly.

PROCEDURAL HISTORY

June 7, 1996 The Island Regulatory and Appeals Commission (Webber (Chair), McPhee, MacLellan)	Respondent Maritime Dredging Limited's appeal from assessment allowed
November 13, 1997 Supreme Court of Prince Edward Island, Appeal Division (Carruthers C.J., McQuaid, Mitchell JJ.A.)	Applicant's appeal allowed in part
January 12, 1998 Supreme Court of Canada	Application for leave to appeal filed

**CORAM: Cory, Major and Binnie JJ. /
Les juges Cory, Major et Binnie**

Warren J.M. Yake

v. (26360)

The Law Society of Alberta (Alta.)

NATURE OF THE CASE

Administrative law - Jurisdiction - Evidence - Professional misconduct hearing - Whether Court of Appeal erred in failing to address the threshold question of whether it was permissible for a professional misconduct hearing to take on the appearance and air of a criminal prosecution - Whether Court of Appeal of Alberta erred in not finding that the panel conducting the hearing trespassed on the federal criminal power jurisdiction, and therefore rendered the discipline hearing *ultra vires* - Whether the Court of Appeal erred in not considering and applying the appropriate standard of proof where allegations of criminal conduct were being made - Whether the Court of Appeal erred in its endorsement, without analysis or evaluation of the Law Society's erroneous findings of fact - Whether the Court of Appeal erred in its failure to consider the issue of the Law Society's bias against the Applicant - Whether the Court of Appeal erred in its interpretation of "material particular" and whether there had been a dishonest deprivation.

PROCEDURAL HISTORY

June 15, 1994 Benchers of the Law Society of Alberta (Appeal Panel Hearing - Hawko G., chair)	Undated report of Hearing Committee upheld: appeal dismissed; conviction on two counts of professional misconduct upheld
October 23, 1997 Alberta Court of Appeal (Irving, Hunt and Sulatycky JJ.A.)	Appeal on sentence and conviction dismissed
January 7, 1998 Supreme Court of Canada	Application for leave to appeal filed

APRIL 7, 1998 -- REVISED APRIL 16, 1998 / LE 7 AVRIL 1998 -- RÉVISÉ LE 16 AVRIL 1998

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

Ernst Zündel

v. (26417)

The Minister of Citizenship and Immigration (F.C.A.)(B.C.)

NATURE OF THE CASE

Canadian Charter - Civil - Civil rights - Administrative law - Judicial review - Reasonable apprehension of bias - Citizenship - Statutes - Interpretation - *Canadian Security Intelligence Service Act*, R.S.C. 1985, c.C-23, s.38 - *Citizenship Act*, R.S.C. 1985, c.C-29, s.19 - Whether the Court of Appeal erred in determining the test for impartiality for SIRC acting under s.19 of the *Citizenship Act* - Whether that test is vague, arbitrary and capricious and contrary to s.7 of the *Charter*, and should be declared of no force or redefined under s.24(1) of the *Charter* - Whether the Court of Appeal erred in applying *Brosseau v. Alberta Securities Commission*, [1989] 1 S.C.R. 301 and in finding that SIRC did not act outside its statutory authority in the Heritage Front Report - Whether ss.19 and 20 of the *Citizenship Act*, s.38(c)(ii) of the *CSIS Act* and the definition of “threats to the security of Canada” in s.2(c) of the *CSIS Act* create a legislative scheme which is so subjective, speculative, arbitrarily discretionary and devoid of objective evidentiary requirement as to be contrary to ss.2(b), 2(c) and 7 of the *Charter* and should be declared of no force or effect by virtue of s.52 of the *Charter* - Whether the Court of Appeal erred in failing or refusing to find SIRC exhibited systemic bias against the Applicant under the “open mind” test or the appropriate “informed bystander” test in these circumstances.

PROCEDURAL HISTORY

August 1, 1996
Federal Court (Trial Division)
(Heald D.J.)

Order of prohibition granted prohibiting SIRC from carrying out proceedings mandated by *Citizenship Act* with respect to the Applicant

November 27, 1997
Federal Court of Appeal
(Stone, Desjardins and McDonald JJ.A.)

Appeal allowed

December 23, 1997
Supreme Court of Canada

Application for leave to appeal filed

APRIL 20, 1998 / LE 20 AVRIL 1998

CORAM: Chief Justice Lamer and McLachlin and Iacobucci JJ. /
Le juge en chef Lamer et les juges McLachlin et Iacobucci

R.G.F.

v. (26461)

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

NATURE OF THE CASE

Criminal law - Evidence - Child witnesses - Competence to testify - Whether the trial judge's inquiry into the competence of the child witnesses to testify was adequate - Whether the trial judge should have allowed Crown counsel to assist in conducting the inquiry.

PROCEDURAL HISTORY

March 8, 1996
Provincial Court of Alberta (Youth Division)
(Jorgensen J.)

Conviction: sexual interference; sexual assault
Acquittal: sexual interference; sexual assault

April 24, 1997
Court of Appeal of Alberta
(Côté, Russell and Berger JJ.A.)

Applicant's appeal allowed; Respondent's appeal allowed; new trial ordered

February 3, 1998
Supreme Court of Canada

Application for leave to appeal and motion for the extension of time filed

Beata Michalski

v. (26432)

Graydon Olson and Dariusz Michalski (Man.)

AND BETWEEN:

Daryl Dnistransky

v. (26432)

Fred N. Horner and Gary Dnistransky (Man.)

AND BETWEEN:

Gary Dnistransky

v. (26432)

Fred N. Horner (Man.)

AND BETWEEN:

Janina Michalski

v. (26432)

Graydon Olson, Dariusz Michalski and Beata Michalski (Man.)

NATURE OF THE CASE

Torts - Conflict of laws - Limitation of actions - prescription - Motor vehicles - Injured parties not resident in province where accident occurred - Actions instituted in home province of injured parties - *Tolofson v. Jensen; Lucas (Litigation Guardian of) v. Gagnon*, [1994] 3 S.C.R. 1022 decided after statements of claim issued - Actions out of time in province where accident occurred - Whether Court of Appeal should have applied *lex loci delicti* rather than *lex fori* - Whether the Court of Appeal misdirected themselves by not providing an orderly, fair and just implementation of the new law as declared in *Tolofson* - Whether the Manitoba Court of Appeal erred in law in holding the Respondents were not estopped from raising the limitation defence.

PROCEDURAL HISTORY

March 20, 1997 Court of Queen's Bench of Manitoba (Barkman J.)	Motion dismissed
November 6, 1997 Court of Appeal of Manitoba (Huband, Helper and Monnin JJ.A.)	Appeal allowed; summary judgment dismissing actions granted
January 5, 1998 Supreme Court of Canada	Application for leave to appeal filed

Seamus Leonard, Elizabeth Leonard, and Kelly Leonard

v. (26440)

Stéphane Houle, Roch Peterson, Constable Guy Mathieu, Inspector Ron Lamothe, Chief of Police Thomas Flanagan, The Corporation of the City of Ottawa, The Quebec Provincial Police Force, The Hull Police Force, Pafco Insurance Company Limited, La Regie de l'assurance automobile du Québec and the Superintendent of Insurance for the province of Ontario (Ont.)

NATURE OF THE CASE

Torts - Conflict of laws - Motor vehicles - Applicant injured in automobile accident occurring in Quebec during police pursuit starting in Ontario - Action for damages instituted in Ontario - Action for damages arising out of bodily injury suffered when damage is caused by an automobile statute barred in Quebec by *Automobile Insurance Act*, R.S.Q.1990, c.A-25 - Whether the law of Ontario or Quebec should apply - If Quebec law governs, is the action barred by Quebec's *Automobile Insurance Act* - Whether there are any exceptions to the *lex loci delicti* rule in light of *Tolofson v. Jensen; Lucas (Litigation Guardian of) v. Gagnon*, [1994] 3 S.C.R. 1022.

PROCEDURAL HISTORY

April 24, 1996 Ontario Court (General Division) (Bell J.)	Summary judgment granted dismissing action against Respondent Hull Police Force; summary judgment dismissing action against Respondents Mathieu, Lamothe, Flanagan, and City of Ottawa dismissed in part
November 10, 1997 Court of Appeal for Ontario (Brooke, Labrosse and Charron JJ.A.)	Appeal dismissed

January 12, 1998
Supreme Court of Canada

Application for leave to appeal filed

**CORAM: L'Heureux-Dubé, Gonthier and Bastarache JJ. /
Les juges L'Heureux-Dubé, Gonthier et Bastarache**

La Commission scolaire Kativik

c. (26390)

André Lachapelle et l'Association de l'enseignement du Nouveau-Québec (CEQ)

- et -

Claude H. Foisy, Lise Lavallée et Waguih El Masri (Qué.)

NATURE DE LA CAUSE

Droit du travail - Droit administratif - Compétence - Arbitrage - Convention collective - Interprétation - Bien qu'un enseignant non permanent ne peut, aux termes de la convention collective qui le régit, contester par grief le bien-fondé des causes invoquées par l'employeur à l'appui de sa décision de ne pas le réembaucher, peut-il néanmoins faire vérifier par l'arbitre l'existence des causes invoquées? - La Cour d'appel a-t-elle erré en concluant que l'arbitre n'avait pas commis d'erreur en décidant qu'il avait compétence pour vérifier l'existence des motifs allégués par l'employeur dans son avis de non-renouvellement?

HISTORIQUE PROCÉDURAL

Le 25 août 1993
Cour supérieure du Québec
(Macerola j.c.s.)

Requête en évocation de la demanderesse à l'encontre d'une décision rendue le 2 février par un tribunal d'arbitrage accueillie

Le 20 octobre 1997
Cour d'appel du Québec
(Rothman, Proulx et Zerbisias [*ad hoc*] j.j.c.a.)

Appel accueilli

Le 16 décembre 1997
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Tele-Direct (Publications) Inc.

v. (26403)

American Business Information, Inc. (F.C.A.)(Qué.)

NATURE OF THE CASE

Property law - Copyright - Whether copyright subsists in the compilation of the information forming the Yellow Pages and Pages Jaunes directories - Selection of headings and arrangement of information under those headings - Intellectual creations - Degree of skill, judgment or labour exercised in the overall arrangement of the compilation of the information - Degree of originality required for copyright to subsist in a work resulting from a selection or arrangement of data - Copyright infringement - Is the proper test of infringement whether there was a taking of a substantial part of a work or,

as found by the trial judge, whether there is substantial similarity between two works - Article 1705 of the *North American Free Trade Agreement - Copyright Act*, R.S.C. 1985, c. C-42, as amended.

PROCEDURAL HISTORY

June 28, 1996
Federal Court, Trial Division
McGillis J.

Action dismissed

October 27, 1997
Federal Court of Appeal
Denault, Décary and Chevalier JJ.A.

Appeal dismissed

December 23, 1997
Supreme Court of Canada

Application for leave to appeal filed

**The Minister of Forests and the Attorney General of British Columbia
on behalf of her Majesty the Queen in right of the province of British Columbia**

v. (26394)

MacMillan Bloedel Limited

- and -

**Council of the Haida Nation and Miles Richardson
on their own behalf and on behalf of all members of the Haida Nation (B.C.)**

AND BETWEEN:

MacMillan Bloedel Limited

v. (26394)

**Council of the Haida Nation and Miles Richardson
on their own behalf and on behalf of all members of the Haida Nation**

- and -

**The Minister of Forests and the Attorney General of British Columbia
on behalf of Her Majesty The Queen in Right of the province of British Columbia (B.C.)**

NATURE OF THE CASE

Statutes - Interpretation - Plain meaning rule - Whether the fundamental principle of statutory interpretation is more accurately expressed in the second edition of Driedger's *Construction of Statutes* or the third edition of that work.

PROCEDURAL HISTORY

November 20, 1995
Supreme Court of British Columbia
(Cohen J.S.C.B.C.)

Preliminary issue decided in favour of the Applicants:
aboriginal title claimed by the petitioners not capable of
constituting an encumbrance within the meaning of s. 28
of the *Forests Act*

November 7, 1997
Court of Appeal for British Columbia
(Esson, Southin and Huddart JJ.A.)

Appeal allowed: preliminary question answered in the
affirmative

January 7, 1998
Supreme Court of Canada

Application for leave to appeal filed

Patricia Carolyn Hickey

v. (26430)

Walter Donald Hickey (Man.)

NATURE OF THE CASE

Family law - Maintenance - Variation of spousal and child support - Ten year old spousal and child support order varied by Chambers Judge due to Respondent's income and eroding effect of inflation on quantum - Child support doubled to \$1,500 per month for one child - Spousal support increased by \$300 per month to \$1,300 per month - Former wife having upgraded her education but earning income of less than \$6,000 per annum - Former husband self-employed, earning in excess of \$100,000 per annum - Federal *Child Support Guidelines* enacted prior to appeal - Court of Appeal refusing to consider *Guidelines* or changes to *Income Tax Act* regarding deductibility of child support- Court of Appeal reducing child support to \$900 per month and spousal support to \$1,000 per month retroactive to date of original award - Whether Court of Appeal erred in failing to consider new legislation and in reducing support.

PROCEDURAL HISTORY

June 27, 1996
Manitoba Court of Queen's Bench (Family Division)
(Kennedy J.)

Motion for variation of maintenance obligations granted;
spousal and child support increased

October 21, 1997
Court of Appeal of Manitoba
(Huband, Philip and Monnin JJ.A.)

Appeal allowed; spousal and child support reduced,
retroactive to date of original order

January 15, 1998
Supreme Court of Canada

Application for leave to appeal filed

**CORAM: Cory, Major and Binnie JJ. /
Les juges Cory, Major et Binnie**

James G. Stuart and Arthur Andersen & Co.

v. (25964)

Ernst & Young (B.C.)

NATURE OF THE CASE

Commercial law - Labour law - Contracts - Partnership - Evidence - Damages - Exemplary or punitive damages - Partnership agreement requiring one year's notice of retirement from partnership - Whether damages are available for an employee's failure to provide notice of termination absent proof of actual damage - Whether notice clauses are immune from the standard of reasonableness required of covenants aimed at restraining competition - Whether the partner would have been bound to make his services available the Respondent for the duration of the notice period - Whether the Court of Appeal erred in law in declining to award exemplary damages in an amount which, when added to compensatory damages, was sufficient to deprive Andersen of all its wrongful gain and demonstrate that tort does not pay when the trial judge had found as a fact that Andersen had committed its tort for profit after calculating that profit would exceed any damages it might have to pay.

PROCEDURAL HISTORY

May 10, 1993 Supreme Court of British Columbia (Edwards J.)	Respondent's action for damages dismissed; counterclaim allowed
May 18, 1994 Court of Appeal for British Columbia (Southin, Wood and Hollinrake JJ.A.)	Appeal allowed in part; judgment for Respondent; action remitted to trial judge for assessment of damages and trial of counterclaim
December 8, 1995 Supreme Court of British Columbia (Edwards J.)	Counterclaim allowed; damages assessed
March 4, 1997 Court of Appeal for British Columbia (Esson, Huddart and Proudfoot JJ.A.)	Respondent's appeal from assessment of damages allowed; damages increased
May 5, 1997 Supreme Court of Canada	Application for leave to appeal filed

Jonathan Ashton Calvert

v. (26497)

Mary Louise Calvert, by her Litigation guardian Stephen M. Grant (Ont.)

NATURE OF THE CASE

Family law - Divorce - Interpretation of the *Divorce Act*, R.S.C. 1985, c.3 (2nd Supp.) - Living "separate and apart" - Capacity to form intent to divorce - Rights and obligations of incompetent spouses in relation to matters of family law.

PROCEDURAL HISTORY

February 12, 1997
Ontario Court (General Division)
(Benotto J.)

Divorce decree granted with order that equalization
payment of \$6, 447, 913.50 with prejudgment interest
of \$ 904,793.26 be paid to Respondent

February 11, 1998
Court of Appeal of Ontario (Labrosse, Charron and
Sharpe [*ad hoc*] JJ.C.A.)

Appeal dismissed

March 2, 1998
Supreme Court of Canada

Application for leave to appeal filed

**JUDGMENTS ON APPLICATIONS
FOR LEAVE**

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

APRIL 16, 1998 / LE 16 AVRIL 1998

26410 **LEONARD V. GRAY v. HER MAJESTY THE QUEEN** (Ont.)

CORAM: Cory, Major and Binnie 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 - Civil Procedure - Motion for summary judgment - Rule 20 of the Ontario *Rules of Civil Procedure* - Whether the Court of Appeal erred in upholding the motion for summary judgment.

PROCEDURAL HISTORY

May 29, 1996
Ontario Court of Justice (General Division)
(Jennings J.)

Respondent's motion for summary judgment granted;
Applicant's counterclaim dismissed

October 23, 1997
Ontario Court of Appeal
(McKinlay, Abella and Goudge JJ.A.)

Applicant's appeal dismissed

December 22, 1997
Supreme Court of Canada

Application for leave to appeal filed

APRIL 23, 1998 / LE 23 AVRIL 1998

26121 **AYTEL PROPERTY MANAGEMENT INC. - v. - REGIONAL ASSESSMENT COMMISSIONER, REGION NO. 23 AND THE CORPORATION OF THE CITY OF LONDON - and between - 705076 ONTARIO LIMITED - v. - REGIONAL ASSESSMENT COMMISSIONER, REGION NO. 23 AND THE CORPORATION OF THE CITY OF LONDON**
(Ont.)

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to cross-appeal is dismissed.

La demande d'autorisation d'appel-incident est rejetée.

NATURE OF THE CASE

Municipal law - Assessment - Whether the Court of Appeal erred in refusing to grant leave to appeal - Whether the Divisional Court exceeded its jurisdiction by misinterpreting the legislation - What are the appropriate principles of statutory interpretation which should be applied to the interpretation of taxing statutes and did the Divisional Court apply the correct test?

PROCEDURAL HISTORY

August 18, 1995 Ontario Court (General Division) (Kennedy J.)	Applicants' applications for a determination of the validity of assessments dismissed
May 27, 1996 Ontario Court (General Division)(Div.Ct.) (O'Leary, McRae and Hockin JJ.)	Appeals dismissed
April 11, 1997 Court of Appeal for Ontario (Morden A.C.J.O., Labrosse and Moldaver JJ.A.)	Application for leave to appeal and application for leave to cross-appeal dismissed
September 29, 1997 Supreme Court of Canada	Application for leave to appeal and motion for extension of time filed

8.4.1998

Before / Devant: McLACHLIN J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: United Church of Canada

IN/DANS: Children's Foundation

v. (26013)

Patrick Alan Bazley (B.C.)

GRANTED / ACCORDÉE

8.4.1998

Before / Devant: BASTARACHE J.

Motion to strike out

Requête en radiation

Timothy Bartels

v. (26482)

Her Majesty The Queen (Ont.)

GRANTED / ACCORDÉE

9.4.1998

Before / Devant: CHIEF JUSTICE LAMER

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

Requête en prorogation du délai imparti pour déposer le dossier d'appel, le mémoire de l'appelante et pour énoncer une question constitutionnelle

J.G.

v. (26005)

Minister of Health and Community Services et al. (N.B.)

GRANTED / ACCORDÉE

(1) the application for a motion by the appellant to state constitutional questions is granted (for questions see below). Notices of intention to intervene are to be filed no later than May 22, 1998;

(2) The deadline for the serving and filing of the case on appeal is February 27, 1998;

(3) The deadline for the filing of the notice of constitutional questions is March 23, 1998;

(4) The deadline for the filing of the appellant's factum is May 8, 1998.

Constitutional questions: / Questions constitutionnelles:

1. In the circumstances of this case, did the failure of the *Legal Aid Act*, R.S.N.B. 1973, c. L-2, or the Government of New Brunswick under its Domestic Legal Aid Program, to provide legal aid to respondents in custody applications by the Minister of Health and Community Services under Part IV of the *Family Services Act*, R.S.N.B. 1973, c. F-2.2, constitute an infringement of s. 7 of the *Canadian Charter of Rights and Freedoms*?

2. If the answer to question 1 is yes, is the infringement demonstrably justified in a free and democratic society pursuant to s. 1 of the *Canadian Charter of Rights and Freedoms*?

1. Dans les circonstances de l'espèce, est-ce que constitue une atteinte à la *Charte canadienne des droits et libertés* le fait que ni la *Loi sur l'aide juridique*, L.R.N.-B. 1973, ch. L-2, ni le gouvernement du Nouveau-Brunswick, par son programme d'aide juridique en matière de droit de la famille, ne pourvoient au versement d'aide juridique aux défendeurs dans le cadre des demandes de garde présentées par le ministre de la Santé et des Services communautaires en vertu de la partie IV de la *Loi sur les services à la famille*, L.R.N.-B. 1973, ch. F-2.2?

2. Si la réponse à la question 1 est oui, s'agit-il d'une atteinte dont la justification est démontrée dans le cadre d'une société libre et démocratique au sens de l'article premier de la *Charte canadienne des droits et libertés*?

14.4.1998

Before / Devant: BASTARACHE J.

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

Shapiro, Cohen, Andrews, Finlayson

v. (26560)

Enterprise Rent-A-Car Company (Ont.)

GRANTED / ACCORDÉE Time extended to May 20, 1998.

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

With the consent of the parties.

14.4.1998

Before / Devant: BASTARACHE J.

Motion to extend the time in which to file a notice of intention to intervene

Requête en prorogation du délai imparti pour déposer un avis d'intention d'intervenir

BY/PAR: A.G. of New Brunswick

IN/DANS: Donald Marshall, Jr.

v. (26014)

Her Majesty The Queen (N.S.)

GRANTED / ACCORDÉE Time extended to March 30, 1998.

15.4.1998

Before / Devant: MAJOR J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Charter Committee on Poverty Issue

IN/DANS: J.G.

v. (26005)

Minister of Health and Community
Services et al. (N.B.)

GRANTED / ACCORDÉE

IT IS HEREBY ORDERED THAT the application for an extension of time and for leave to intervene is granted; the applicant shall be entitled to service and file a factum not to exceed 20 pages in length and to present oral argument not to exceed 15 minutes.

15.4.1998

Before / Devant: BASTARACHE J.

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

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

Doris Mae Eisenhower

With the consent of the parties.

v. (26561)

Her Majesty The Queen (N.S.)

GRANTED / ACCORDÉE Time extended to April 8, 1998.

14.4.1998

Before / Devant: THE REGISTRAR

Motion to extend the time in which to file an intervenor's factum

Requête en prorogation du délai imparti pour déposer le mémoire d'un intervenant

Marie Sarah Eurig

With the consent of the parties.

v. (25866)

The Attorney General for Ontario (Ont.)

GRANTED / ACCORDÉE Time extended to April 2, 1998.

15.4.1998

Before / Devant: LE JUGE BASTARACHE

Requête en vue de surseoir à l'exécution

Motion for a stay of execution

Richard Trudel et al.

c. (26558)

Les Immeubles Beneficial Ltée (Qué.)

DISMISSED / REJETÉE

Après examen des documents et des arguments des demandeurs et de l'intimée, et compte tenu de l'article 65.1 de la *Loi sur la Cour suprême* et de ses critères d'application,

Je rejette la requête en sursis d'exécution, sans frais.

15.4.1998

Before / Devant: THE REGISTRAR

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

Requête en prorogation du délai imparti pour déposer les dossier, mémoire et cahier de jurisprudence et de doctrine de l'appelante

Her Majesty The Queen in right of Canada et al.

v. (26174)

Angelo Del Zotto et al. (Ont.)

GRANTED / ACCORDÉE

The motion for an order extending the time to serve and file the appellants' record, factum and authorities to a date two (2) months after the decision on the Constitutional questions is granted.

15.4.1998

Before / Devant: LE REGISTRAIRE

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

Motion for acceptance of factum on appeal over 40 pages

Gaétan Delisle

Avec le consentement des parties.

c. (25926)

Procureur général du Canada (Qué.)

GRANTED / ACCORDÉE

16.4.1998

Before / Devant: THE REGISTRAR

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

Requête en prorogation du délai imparti pour déposer la réponse de l'intimé

Sandra E. Gernhart

v. (26469)

Her Majesty The Queen (Ont.)

GRANTED / ACCORDÉE Time extended to April 24, 1998.

16.4.1998

Before / Devant: THE REGISTRAR

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

Requête en prorogation du délai imparti pour déposer la réponse de l'intimé

Elizabeth Balanyk

v. (26498)

The Greater Niagara General Hospital et al. (Ont.)

GRANTED / ACCORDÉE Time extended to April 9, 1998.

20.4.1998

Before / Devant: THE REGISTRAR

Motion to extend the time in which to file the appellants' record, factum and book of authorities in response to the respondents' cross appeal

FBI Foods Ltd.

v. (25778)

Cadbury Schweppes Inc. et al. (B.C.)

Requête en prorogation du délai imparti pour déposer les dossier, mémoire et cahier de jurisprudence et de doctrine de l'appelant en réponse à l'appel incident des intimés

With the consent of the parties.

GRANTED / ACCORDÉE Time extended to April 15, 1998.

20.4.1998

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

Bert Thomas Stone

With the consent of the parties.

v. (25969)

Her Majesty The Queen (B.C.)

GRANTED / ACCORDÉE Time extended to April 15, 1998.

7.4.1998

Before / Devant: LE REGISTRAIRE

Taxation of costs

Taxation des dépens

The C.S.L. Group Inc. et al.

c. (25769)

The St. Lawrence Seaway Authority et al. (Qué.)

et entre

Furness Withy (Chartering) Ltd. et al.

c. (25770)

The St. Lawrence Seaway Authority et al. (Qué.)

Les deux demandes d'autorisation dans les dossiers en rubrique (nos de greffe 25769 et 25770) ont été rejetées avec dépens. Bien qu'Hydro Québec ait taxé les dépens pour chaque appelante, dans les circonstances de ces affaires, les dépens ne seront accordés qu'une seule fois par dossier considéré globalement. De plus le montant accordé pour les honoraires supplémentaires pour la rédaction du mémoire des arguments (art. 1c) de l'annexe B du Tarif ne sera accordé que dans un seul dossier. Les frais inclus par l'intimée au titre des art. 1a) et 8 de l'annexe A du Tarif sont également radiés dans les deux dossiers. Les dépens sont taxés en conséquence.

**NOTICE OF APPEAL FILED SINCE
LAST ISSUE**

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

15.4.1998

David Joseph Golub

v. (26298)

Her Majesty The Queen (Ont.)

15.4.1998

Ville de Chambly

c. (26195)

Fernand Gagnon et al. (Qué.)

23.3.1998

M.V.

v. (26527)

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

AS OF RIGHT

7.4.1998

Her Majesty The Queen

v. (26570)

John Biniaris (B.C.)

AS OF RIGHT

20.4.1998

Bac Dinh Pham et al.

v. (26459)

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

NOTICE OF DISCONTINUANCE FILED SINCE
LAST ISSUE

AVIS DE DÉSISTEMENT DÉPOSÉS DEPUIS
LA DERNIÈRE PARUTION

**NOTICE OF DISCONTINUANCE
FILED SINCE LAST ISSUE**

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

21.4.1998

James & Boyden

v. (26378)

The United Kingdom (Ont.)

(leave)

WEEKLY AGENDA

ORDRE DU JOUR DE LA SEMAINE

AGENDA for the week beginning April 27, 1998.
ORDRE DU JOUR pour la semaine commençant le 27 avril 1998.

<u>Date of Hearing/ Date d'audition</u>	<u>Case Number and Name/ Numéro et nom de la cause</u>
27/04/98	Marie Sarah Eurig as Executor of the Estate of Donald Valentine Eurig v. Registrar of Ontario Court (General Division) et al. (Ont.)(25866)
28/04/98	Veluppillai Pushpanathan v. Minister of Citizenship and Immigration (F.C.A.)(Ont.)(25173) REHEARING
29/04/98	William Rodney Jussila v. Her Majesty The Queen (Crim.)(Alta.)(25888)
29/04/98	Ryan Robert Reed v. Her Majesty The Queen (Crim.)(B.C.)(25820)
30/04/98	FBI Foods Ltd. et al. v. Cadbury Schweppes Inc. et al. (B.C.)(25778)

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.

25866 *Marie Sarah Eurig as Executor of the estate of Donald Valentine Eurig v. The Registrar of the Ontario Court (General Division) and The Attorney General of Ontario*

Property law - Wills - Executors and administrators - Probate fees - Whether the probate fee, imposed by Ontario Regulation 293/92, is invalid on the ground that it is an indirect tax that is outside the legislative authority of the province under s. 92(2) of the *Constitution Act, 1867* - Whether the probate fee is invalid on the ground that it was imposed by a body other than the Legislature in contravention of s. 90 (incorporating by reference ss. 53 and 54) of the *Constitution Act, 1867*.

The Appellant is the executor of the estate of her late husband, Donald Valentine Eurig, who died in October, 1992. She applied to the Ontario Court (General Division) for an order that she be issued letters probate to enable her to administer the affairs and assets of the estate without the payment of a probate fee and for an order declaring that the regulation which required that payment was not lawful.

The total value of the estate of the deceased was \$414,000 which, by the application of the formula set out in s. 2(1) of O.Reg. 293/92 as amended by O.Reg. 359/94 resulted in a required payment to the Ministry of Finance for Ontario of a sum of money calculated to be \$5,710. The regulation was purported to be under the authority of the *Administration of Justice Act*.

The application was dismissed as was the Appellant's subsequent appeal to the Court of Appeal.

Origin of the case:	Ontario
File No.:	25866
Judgment of the Court of Appeal:	January 16, 1997
Counsel:	Peter W. Hogg Q.C., J. Gregory Richards and Peter T. Fallis for the Appellant D. Thomas H. Bell and Peter C. Landmann for the Respondents

25866 *Marie Sarah Eurig en qualité d'exécutrice testamentaire de la succession de Donald Valentine Eurig c. Le greffier de la Cour de l'Ontario (Division générale) et le procureur général de l'Ontario*

Droit des biens — Testaments — Exécuteurs et administrateurs — Frais d'homologation — Les frais d'homologation imposés en Ontario par le Règlement 293/92 sont-ils illégalement exigés, au motif qu'ils constituent une taxe indirecte qui ne relève pas de la compétence législative de la province octroyée par le par. 92(2) de la *Loi constitutionnelle de 1867*? — Les frais d'homologation sont-ils illégalement exigés au motif qu'ils sont imposés par un autre organisme que la législature en contravention de l'art. 90 (incorporant par renvoi les art. 53 et 54) de la *Loi constitutionnelle de 1867*?

L'appelante est exécutrice testamentaire de la succession de son défunt mari, Donald Valentine Eurig, décédé en octobre 1992. Elle a demandé à la Cour de l'Ontario (Division générale) de décerner une ordonnance portant que lui soient délivrées sans frais des lettres d'homologation qui lui permettraient d'administrer les affaires et les biens de la succession et une ordonnance déclarant illégitime le règlement qui exige le paiement de ces frais.

La valeur totale de la succession du défunt se chiffrait à 414 000 \$. Par application de la formule exposée au par. 2(1) dudit règlement 293/92, modifié par le règlement 359/94, la somme à payer au ministère des Finances de l'Ontario était de 5 710 \$. On a prétendu que le règlement avait été pris en vertu de la *Loi sur l'administration de la justice*.

La demande a été rejetée de même que l'appel que l'appelante a subséquentement interjeté devant la Cour d'appel.

Origine:	Ontario
N° du greffe:	25866
Arrêt de la Cour d'appel:	Le 16 janvier 1997
Avocats:	Peter W. Hogg, c.r., J. Gregory Richards et Peter T. Fallis pour l'appelante D. Thomas H. Bell et Peter C. Landmann pour les intimés

25173 *Velupillai Pushpanathan (Pushpanathan Velupillai) v. The Minister of Citizenship and Immigration*

Immigration - Statutes - Interpretation - Did the Federal Court of Appeal err in interpreting Article 1F(c) of the *United Nations Convention Relating to the Status of Refugees* (incorporated into Canadian law by the *Immigration Act*, R.S.C. 1985 c. I-2, s. 2) to exclude from refugee status an individual guilty of possession of heroin for the purposes of trafficking in Canada?

The Appellant arrived in Canada from Sri Lanka via India, France and Italy on March 21, 1985 whereupon he made a claim for Convention Refugee Status. In December, 1987 the Appellant was among eight individuals arrested in Toronto on charges of conspiracy to traffic in a narcotic under the *Narcotic Control Act*. At the time of the arrest, the Appellant's group held heroin with a street value of some ten million dollars. Five of the eight, including the Appellant, were subsequently convicted of conspiracy to traffic in a narcotic. The Appellant received an eight year sentence, and, at the time of the Court of Appeal decision, was on parole.

The Immigration and Refugee Board (Refugee Division) decided on January 25, 1993 that the Appellant is not a Convention refugee because he is excluded by Article 1F(a) and (c) of the *United Nations Convention Relating to the Status of Refugees*. The Board did not deal with whether the Appellant had a well-founded fear of persecution should he be returned to Sri Lanka. The Board's decision was confirmed at trial and on appeal to the Federal Court of Appeal.

Origin of the case:	Federal Court of Appeal
File No.:	25173
Judgment of the Court of Appeal:	December 19, 1995
Counsel:	Lorne Waldman for the Appellant Urszula Kacmarczyk for the Respondent

25173 *Velupillai Pushpanathan (Pushpanathan Velupillai) c. Le ministre de la Citoyenneté et de l'Immigration*

Immigration — Lois — Interprétation — La Cour d'appel fédérale a-t-elle commis une erreur en interprétant l'alinéa Fc) de l'article premier de la *Convention des Nations Unies relative au statut des réfugiés* (incorporé au droit canadien par la *Loi sur l'immigration*, L.R.C. (1985), ch. I-2, art. 2) de manière à exclure du statut de réfugié une personne coupable de possession d'héroïne en vue d'en faire le trafic au Canada?

Le 21 mars 1985, l'appelant est arrivé au Canada du Sri Lanka via l'Inde, la France et l'Italie a revendiqué le statut de réfugié au sens de la Convention. En décembre 1987, l'appelant faisait partie d'un groupe de huit personnes arrêtées à Toronto et accusées de complot de trafic d'un stupéfiant au sens de la *Loi sur les stupéfiants*. Au moment de l'arrestation, le groupe de l'appelant possédait une quantité d'héroïne ayant une valeur de revente évaluée à environ dix millions de dollars. Cinq de ces huit personnes, dont l'appelant, ont par la suite été déclarées coupables de complot en vue de faire le trafic d'un stupéfiant. L'appelant a reçu une peine de huit ans et, au moment du prononcé de l'arrêt de la Cour d'appel, était en libération conditionnelle.

Le 25 janvier 1993, la Commission de l'immigration et du statut de réfugié (Section du statut) a décidé que l'appelant n'était pas un réfugié au sens de la Convention en raison des alinéas Fa) et c) de l'article premier de la *Convention des Nations Unies relative au statut des réfugiés*. La Commission n'a pas examiné la question de savoir si l'appelant craignait avec raison qu'il serait persécuté s'il était renvoyé au Sri Lanka. La décision de la Commission a été confirmée en première instance et en appel.

Origine :	Cour d'appel fédérale
N° du greffe :	25173
Arrêt de la Cour d'appel :	Le 19 décembre 1995
Avocats :	Lorne Waldman pour l'appelant Urszula Kacmarczyk pour l'intimé

25888 William Rodney Jussila v. Her Majesty The Queen

Criminal law - Procedural law - Appeal - Conviction of sexual assault - Whether the trial judge's verdict (upheld by the majority of the Alberta Court of Appeal) was unreasonable within the meaning of Section 686(1)(a)(i) of the *Criminal Code*.

The complainant, who was a family friend, went to the Appellant's home where he smoked marijuana and became physically ill. The Appellant drove him to the home of a third party where he went into a bedroom and slept while the Appellant and two friends watched television in an adjoining room. The Appellant admitted going into the bedroom a number of times to check on the complainant. Each time the Appellant had rubbed the complainant's shoulders and legs in an effort to make the complainant feel better. On the last occasion, when the complainant awoke, he appeared to be having a nightmare and asked the Appellant if he was a child molester.

The complainant described having weird dreams during the afternoon and vaguely remembered the Appellant massaging his feet and on one occasion sucking his penis. He testified that when he awoke his pants and shorts were pushed down almost to his knees, but in his statement to the police he said that his pants were open. The complainant dressed and joined the others in watching television, but objected to the movie showing two men having oral sex and returned home.

After some discussion with his mother, he told her that he had been sexually assaulted by the Appellant. He left his clothes in the laundry room and she called the police. The police retrieved the only dirty clothes in the laundry room. While testifying the complainant was unable to recall which shorts he had worn that day, but was able to identify the seized shorts as the only pair of that description belonging to him. The trial judge accepted forensic evidence which accepted the probable presence of both human semen and saliva on the shorts, but no DNA testing was done. The trial judge did not comment on the credibility of the Appellant's evidence nor that of his two friends. He did find the complainant to be a credible witness.

The Appellant was convicted of one count of sexual assault. On appeal, the majority of the Court of Appeal dismissed the appeal. Harradence J.A. dissented that in applying the test in *R. v. Yebe*s [1987] 2 S.C.R. 168 to the whole of the evidence, it would be dangerous to sustain the conviction.

Origin of the case:	Alberta
File No.:	25888
Judgment of the Court of Appeal:	February 18, 1997
Counsel:	Rajko Dodic for the Appellant Joshua B. Hawkes for the Respondent

25888 *William Rodney Jussila c. Sa Majesté la Reine*

Droit criminel - Droit procédural - Appel - Déclaration de culpabilité d'agression sexuelle - Le verdict du juge du procès (confirmé par la Cour d'appel de l'Alberta à la majorité) était-il déraisonnable au sens de l'article 686(1)a)(i) du *Code criminel*?

Le plaignant, un ami de la famille, s'est rendu chez l'appelant où il a fumé de la marijuana et est tombé malade. L'appelant l'a conduit chez un tiers où il s'est rendu dans une chambre et a dormi pendant que l'appelant et deux amis regardaient la télévision dans une pièce adjacente. L'appelant a admis s'être rendu dans la chambre à coucher plusieurs fois pour vérifier l'état du plaignant. Chaque fois, l'appelant a frictionné les épaules et les jambes du plaignant pour que celui-ci se sente mieux. La dernière fois, lorsque le plaignant s'est réveillé, il paraissait en proie à un cauchemar et a demandé à l'appelant s'il était un pédophile.

Le plaignant a dit avoir fait des rêves étranges pendant l'après-midi et s'est vaguement rappelé que l'appelant lui massait les pieds et, une fois, qu'il lui suçait le pénis. Il a témoigné que, à son réveil, son pantalon et son short étaient baissés presque jusqu'aux genoux, mais dans sa déclaration à la police il a dit que son pantalon était ouvert. Le plaignant s'est habillé et s'est joint aux autres pour regarder la télévision, mais s'est objecté au film qui montrait deux hommes pratiquant la fellation, et est retourné chez lui.

Après avoir discuté avec sa mère, il lui a dit qu'il avait été agressé sexuellement par l'appelant. Il a laissé ses vêtements dans la salle de lavage et elle a appelé la police. La police a récupéré les seuls vêtements sales dans la salle de lavage. Lorsqu'il a témoigné, l'appelant a été incapable de se rappeler quel short il portait ce jour-là, mais il a pu identifier le short saisi comme étant le seul de cette description qui lui appartenait. Le juge du procès a accepté la preuve médico-légale qui reconnaissait la présence probable de salive et de sperme humains sur le short, mais aucun test d'empreintes génétiques n'a été fait. Le juge du procès n'a pas commenté la crédibilité du témoignage de l'appelant ni de celui de ses deux amis. Il a conclu que le plaignant était un témoin crédible.

L'appelant a été déclaré coupable relativement à un chef d'agression sexuelle. La Cour d'appel à la majorité a rejeté l'appel interjeté. Le juge Harradence a exprimé sa dissidence, disant que, si on applique à l'ensemble de la preuve le critère établi dans *R. c. Yebes* [1987] 2 R.C.S. 168, il serait dangereux de confirmer la déclaration de culpabilité.

Origine:	Alberta
N° du greffe:	25888
Arrêt de la Cour d'appel:	Le 18 février 1997
Avocats:	Rajko Dodic pour l'appelant Joshua B. Hawkes pour l'intimée

25820 *Ryan Robert Reed v. Her Majesty The Queen*

Canadian Charter of Rights and Freedoms - Criminal law - Dangerous driving - Reverse onus - Whether the Court of Appeal erred in placing a reverse onus on the Appellant to provide an exculpatory explanation for the accident - Whether the placing of that onus, which the Appellant was incapable of discharging, violated the Appellant's right to be presumed innocent or his right to security of the person.

On September 17, 1994 at approximately 1:00 a.m., the Appellant was involved in a head-on collision that resulted in the deaths of three people. The vehicle the Appellant was driving was a four-wheel drive Ford Ranger which had been modified with a "lift kit" and high tread tires. He had this work done professionally and properly certified. An expert in motor vehicle accident reconstruction testified that the effect of the modification reduced its stability by raising the centre of gravity, and the oversized tires reduced the cornering ability of the vehicle and increased the amount of force required to make a turn. The vehicle was, however, capable of negotiating the highway and was capable of negotiating at 100 kmph the curve where the collision occurred.

On September 16, 1994, the Appellant and a friend drove from Coquitlam to Squamish. That day the Appellant had got up at 5:50 am and worked a regular shift. During the drive to Squamish, the Appellant drank two cans of light beer. After dinner at a restaurant, they drove to the hot springs at Meager Creek and consumed more beer. At approximately 10:45 p.m. the two men began the trip to Squamish. Prior to the accident, the Appellant had negotiated a twisting road through mountainous territory. The expert witnesses for the Appellant and Respondent both agreed that the estimated speed of the Appellant's vehicle at the time of the collision was between 102 and 108 kmph. The speed limit in the zone was 80 kmph. There was evidence called to the effect that most drivers on that highway speeded.

When the collision took place, the Appellant's vehicle was almost entirely in the oncoming northbound lane. There was evidence, based upon marks present on the road, that the Appellant had applied the brakes of his truck to avoid the collision prior to impact. There was also evidence that had the Appellant been travelling at 80 kmph, and had he reacted in the same way as he did at the speed he was actually travelling, he would have been able to return to the portion of the highway reserved for southbound traffic without colliding with the oncoming northbound vehicle.

The trial judge acquitted the Appellant of three counts of dangerous driving. The Court of Appeal allowed the appeal and substituted convictions for the three acquittals.

Origin of the case:	British Columbia
File No.:	25820
Judgment of the Court of Appeal:	January 22, 1997
Counsel:	Brian Mickelson for the Appellant Alexander Budlovsky for the Respondent

25820 *Ryan Robert Reed c. Sa Majesté la Reine*

Charte canadienne des droits et libertés - Droit criminel - Conduite dangereuse - Renversement du fardeau de la preuve - La Cour d'appel a-t-elle commis une erreur en imposant à l'appelant, par renversement du fardeau de la preuve, l'obligation de fournir une explication disculpatoire de l'accident? - L'imposition de cette obligation, dont l'appelant ne pouvait s'acquitter, a-t-elle violé le droit de l'appelant à la présomption d'innocence ou son droit à la sécurité de sa personne?

Vers une heure le matin le 17 septembre 1994, l'appelant a été impliqué dans une collision frontale qui a causé la mort de trois personnes. L'appelant conduisait un véhicule à quatre roues motrices de marque Ford Ranger, modifié au moyen d'une trousse de surélévation et de pneus à grande bande de roulement. Il avait fait exécuter ce travail par des gens du métier et l'avait bien fait certifier. Un expert en reconstitution d'accident de la circulation a témoigné que la modification avait eu pour effet de réduire la stabilité du véhicule en élevant son centre de gravité et que les pneus surdimensionnés réduisaient la capacité de virage du véhicule et augmentaient la force requise pour effectuer un virage. Le véhicule était cependant capable de circuler sur la route et de négocier à 100 km/h la courbe où la collision s'est produite.

Le 16 septembre 1994, l'appelant et un ami se sont rendus de Coquitlam à Squamish. Ce jour-là, l'appelant s'était levé à 5 h 50 et avait fait son quart normal de travail. Pendant le voyage à Squamish, l'appelant a bu deux cannettes de bière légère. Après un repas dans un restaurant, ils se sont rendus aux sources chaudes à Meager Creek et ont encore bu de la bière. Vers 22 h 45, les deux hommes sont partis vers Squamish. Avant l'accident, l'appelant avait circulé sur un chemin tortueux dans une région montagneuse. Les témoins experts de l'appelant et de l'intimée ont tous deux convenu que la vitesse approximative du véhicule de l'appelant au moment de la collision se situait entre 102 et 108 km/h. La vitesse maximale à cet endroit était de 80 km/h. Suivant la preuve testimoniale, la plupart des conducteurs dépassaient cette limite sur cette route.

Au moment de la collision, le véhicule de l'appelant était presque entièrement dans la voie inverse qui allait vers le nord. Suivant la preuve fondée sur les marques relevées sur la route, l'appelant avait appliqué les freins pour éviter la collision. Des éléments de preuve montraient que, s'il avait circulé à 80 km/h et s'il avait réagi de la même façon qu'il l'a fait à la vitesse à laquelle il circulait, l'appelant aurait été capable de revenir dans la voie réservée à la circulation allant vers le sud, sans entrer en collision avec le véhicule venant en sens inverse vers le nord.

Le juge du procès a acquitté l'appelant relativement aux trois chefs de conduite dangereuse. La Cour d'appel a accueilli l'appel et substitué des déclarations de culpabilité aux trois acquittements.

Origine:	Colombie-Britannique
N° du greffe:	25820
Arrêt de la Cour d'appel:	Le 22 janvier 1997
Avocats:	Brian Mickelson pour l'appelant Alexander Budlovsky pour l'intimée

25778 FBI Foods Ltd. et al v. Cadbury Schweppes Inc. et al

Whether a Court of Appeal reviewing the trial judge's exercise of her remedial discretion in a breach of confidence case can impose new remedies simply because it takes a different view of the equities of the case - Whether a permanent injunction is an appropriate remedy in this case given the Respondents' laches, the Appellants' change in position, the relative insignificance of the breach of confidence and the difficulties inherent in enjoining the use of food recipe that has been used only as a springboard - Whether a confider who has suffered no loss from a breach of confidence and who has expressly elected not to seek a disgorgement remedy is entitled to an award of equitable compensation.

At trial, the Appellants Glassner, Kurlender, and FBI Foods were found liable for breach of confidence to Cadbury Schweppes for the use of the Clamato recipe which effectively gave them a head start in the development of Caesar Cocktail. The trial judge found that the Appellants would have independently developed a competing product within the twelve month notice period without the use of the recipe. Because the Respondent did not face any competition that it would not have faced absent the misuse of the recipe, damages were limited to the amount that the Applicant saved as a result of their breach: the cost of hiring someone to assist in the development of a new product. This amount was later assessed to be \$29,200, payable to the Respondent, Cadbury-Schweppes Inc. only. The trial judge held that the doctrine of laches applied to deprive the Respondents of the injunctive relief they sought. She found that the Respondents' delay in proceeding induced FBI Brands to purchase the assets of Caesar Canning.

Following trial, the Respondents sought to reverse their election of remedies from compensation to disgorgement of profits, but the trial judge dismissed the application on the grounds that the trial would have proceeded differently had a different election been made. Glassner settled with the Respondents prior to the appeal. The Court of Appeal varied the remedy against the Appellants, awarding damages to Cadbury Schweppes and to Cadbury Beverages, to be assessed based upon the amount the Respondents would have earned had they sold the Caesar Cocktail in fact manufactured and sold by FBI Foods in the twelve month period after the licence terminated, the "head start period." Further, the Court of Appeal held that laches or acquiescence on the part of the Respondents was not a factor to deprive them of a remedy because the delay was due to ignorance of their legal rights. Finally, a permanent injunction was ordered against the Appellants prohibiting them from using confidential information in the production of tomato cocktails. The operation of the injunction was suspended for a period of twenty weeks, to permit the Appellants time to develop a new, non-infringing product, provided that the Appellants pay to the Respondents the profits the Respondents would have earned had they made the Appellants' sales during that suspension period.

Origin of the case: British Columbia

File No.: 25778

Judgment of the Court of Appeal: August 15, 1996

Counsel: Michael P. Carroll Q.C., Peter G. Voith and Monika B. Gehlen for the Appellants
Jack Giles Q.C. and David T. Woodfield for the Respondents

25778 FBI Foods Ltd. et autres c. Cadbury Schweppes Inc. et autres

Une cour d'appel chargée du contrôle de l'exercice par le juge de première instance du pouvoir discrétionnaire d'accorder une réparation dans une affaire d'abus de confiance peut-elle imposer de nouvelles mesures de réparation pour la simple raison qu'elle conçoit différemment le droit en *equity* concernant l'affaire? - Une injonction permanente constitue-t-elle une réparation appropriée en l'espèce vu le manque de diligence des intimées, le changement de position des appelantes, le caractère assez négligeable de l'abus de confiance et les difficultés rattachées au fait d'imposer l'utilisation d'une recette qui a été utilisée uniquement comme tremplin? - La victime d'un abus de confiance qui n'a subi aucune perte et qui a expressément choisi de ne pas demander une reddition de compte visant les bénéfices a-t-elle droit à un dédommagement en *equity*?

Au procès, les appelantes Glassner, Kurlender et FBI Foods ont été reconnues coupables d'abus de confiance envers Cadbury Schweppes à cause de l'utilisation de la recette Clamato qui leur a effectivement procuré un avantage dans la mise au point du Caesar Cocktail. Le juge de première instance a conclu que les appelantes auraient, de façon indépendante, mis au point un produit concurrent au cours de la période d'avis de douze mois sans l'utilisation de la recette. Comme l'intimée n'a pas fait face à une concurrence à laquelle elle n'aurait pas fait face sans l'utilisation abusive de la recette, les dommages-intérêts ont été limités au montant que la requérante a épargné en raison de l'abus, à savoir le coût des services fournis par la personne embauchée pour participer à la mise au point d'un nouveau produit. Cette somme a par la suite été fixée à 29 200 \$ et était payable à l'intimée Cadbury-Schweppes Inc. uniquement. Le juge de première instance a statué que la théorie du manque de diligence s'appliquait de manière à priver les intimées de l'injonction demandée. Elle a conclu que le retard des intimées avait amené FBI Brands à acheter les éléments d'actif de Caesar Canning.

Au terme du procès, les intimées ont cherché à modifier la réparation demandée en remplaçant les dommages-intérêts par une reddition de compte visant les bénéfices, mais le juge de première instance a rejeté leur demande au motif que le procès se serait déroulé autrement si un choix différent avait été fait. Glassner a conclu un accord avec les intimées avant l'appel. La Cour d'appel a modifié la réparation imposée aux appelantes en accordant à Cadbury Schweppes et à Cadbury Beverages des dommages-intérêts devant être calculés en tenant compte du montant que les intimées auraient gagné si elles avaient vendu le Caesar Cocktail qui a été, dans les faits, fabriqué et vendu par FBI Foods au cours de la période de douze mois qui a suivi l'expiration de la licence, soit la « période visée par l'avantage ». De plus, la Cour d'appel a statué que le manque de diligence ou l'acquiescement des intimées n'était pas un facteur de nature à les priver d'une réparation parce que le retard était attribuable à la méconnaissance de leurs droits légaux. Enfin, la Cour d'appel a prononcé une injonction permanente enjoignant aux appelantes de ne pas utiliser des renseignements confidentiels dans la production de boissons aux tomates. L'application de l'injonction a été suspendue pendant une période de vingt semaines afin de donner aux appelantes le temps de mettre au point un nouveau produit ne constituant pas une contrefaçon, à condition que les appelantes paient aux intimées les bénéfices que celles-ci auraient faits si elles avaient réalisé les ventes des appelantes au cours de la période de suspension.

Origine :	Colombie-Britannique
N° du greffe :	25778
Arrêt de la Cour d'appel :	Le 15 août 1996
Avocats :	Michael P. Carroll, c.r., Peter G. Voith et Monika B. Gehlen pour les appelantes Jack Giles, c.r., et David T. Woodfield pour les intimées

APPEALS INSCRIBED FOR
HEARING AT THE SESSION OF
THE SUPREME COURT OF
CANADA, BEGINNING
MONDAY, APRIL 27, 1998

APPELS INSCRITS POUR
AUDITION À LA SESSION DE LA
COUR SUPRÊME DU CANADA
COMMENÇANT LE LUNDI
27 AVRIL 1998

SUPREME COURT OF CANADA - COUR SUPRÊME DU CANADA

Session commencing Monday, April 27, 1998 ♦ ♦ ♦ Session commençant le lundi 27 avril 1998

	Style of cause / Intitulé de la cause	File / Dossier	Counsel / Procureurs	Agent / Correspondant	Prov.
1	Marie Sarah Eurig as Executor of the Estate of Donald Valentine Eurig v. Registrar of the Ontario Court (General Division), et al	25866	Fallis, Fallis & McMillan Attorney General for Ontario	Gowling, Strathy & Henderson Burke-Robertson	ONT.
2	Ryan Robert Reed v. (Crim.) Her Majesty the Queen	25820	Brian E. Mickelson Law Corporation Attorney General of British Columbia	Lang, Michener Burke-Robertson	B.C.
3	George Abdallah v. (Crim.) Her Majesty the Queen	26028	Greenspan and Associates Attorney General for Ontario	Shore, Davis, Kehler Burke-Robertson	ONT.
4	Travis Orłowski v. (Crim.) Director, Forensic Psychiatric Institute, et al	25751	Rod Holloway Attorney General of British Columbia	Gowling, Strathy & Henderson Burke-Robertson	B.C.
5	Gordon Wayne Bese v. (Crim.) Director, Forensic Psychiatric Institute, et al	25855	Community Legal Assistance Society Attorney General of British Columbia	Osler, Hoskin & Harcourt Burke-Robertson	B.C.
6	Joseph Ronald Winko v. (Crim.) Director, Forensic Psychiatric Institute, et al	25856	Community Legal Assistance Society Attorney General of British Columbia	Osler, Hoskin & Harcourt Burke-Robertson	B.C.
7	Chippewas of Kettle and Stony Point v. Attorney General of Canada, et al	25795	Cohen Highley Vogel & Dawson Attorney General of Canada	Gowling, Strathy & Henderson Attorney General of Canada	ONT.
8	John Campbell, et al v. (Crim.) Her Majesty the Queen	25780	Gold & Fuerst Attorney General of Canada	Bayne, Sellar, Boxall Attorney General of Canada	ONT.

	Style of cause / Intitulé de la cause	File / Dossier	Counsel / Procureurs	Agent / Correspondant	Prov.
9	[W.R.J.] v. (Crim.) Her Majesty the Queen	25888	Dodic, Toone, Maclean Attorney General of Alberta	Gowling, Strathy & Henderson Gowling, Strathy & Henderson	ALTA.
10	Her Majesty the Queen v. (Crim.) Cory Anthony Gallant	25922	Attorney General of P.E.I. W. Kent Brown, Q.C.	Gowling, Strathy & Henderson Gowling, Strathy & Henderson	P.E.I.
11	Brian Arp v. (Crim.) Her Majesty the Queen	26100	Gil David McKinnon, Q.C. Attorney General of British Columbia	Gowling, Strathy & Henderson Burke-Robertson	B.C.
12	Bert Thomas Stone v. (Crim.) Her Majesty the Queen	25969 26032	Singleton Urquhart Scott Attorney General of British Columbia	Gowling, Strathy & Henderson Burke-Robertson	B.C.
13	Denis Lucien Lepage v. (Crim.) Her Majesty the Queen	26320	Daniel J. Brodsky Attorney General for Ontario	Shore, Davis, Kehler Burke-Robertson	ONT.
14	Her Majesty the Queen v. (Crim.) Patrick Arnold MacDougall	25931	Attorney General of P.E.I. W. Kent Brown, Q.C.	Gowling, Strathy & Henderson Gowling, Strathy & Henderson	P.E.I.
15	Velupillai Pushpanathan v. (F.C.A.) Minister of Citizenship and Immigration	25173	Waldman and Associates Attorney General of Canada	Gowling, Strathy & Henderson Attorney General of Canada	ONT.
16	Murray Ryan v. Corporation of the City of Victoria, et al.	25704	Gordon & Velletta Georgeann Glover	Nelligan, Power Gowling, Strathy & Henderson	B.C.

	Style of cause / Intitulé de la cause	File / Dossier	Counsel / Procureurs	Agent / Correspondant	Prov.
17	Sean Michael Gellvear v. (Crim.) Her Majesty the Queen	25973	Ruth Reimer Attorney General of Alberta	Burke-Robertson Gowling, Strathy & Henderson	ALTA.
18	Deltonia R. Cook v. (Crim.) Her Majesty the Queen	25852	Cobb, McCabe & Company Attorney General of British Columbia	Gowling, Strathy & Henderson Burke-Robertson	B.C.
19	Jacques Bernier c. (Crim.) Sa Majesté la Reine	26219	Girard, Allard & Associés Procureur général du Québec	Noël, Berthiaume Noël, Berthiaume	QC.
20	William Mullins-Johnson v. (Crim.) Her Majesty the Queen	25860	Lomer, Frost Attorney General for Ontario	Gowling, Strathy & Henderson Burke-Robertson	ONT.
21	FBI Foods Ltd., et al v. Cadbury Schweppes Inc., et al	25778	Davis & Company Farris, Vaughan, Wills & Murphy	Burke-Robertson Gowling, Strathy & Henderson	B.C.
22	Shane John Reitsma v. (Crim.) Her Majesty the Queen	26305	Michael J. Munroe Attorney General of British Columbia	Gowling, Strathy & Henderson Burke-Robertson	B.C.
23	Her Majesty the Queen v. (Crim.) Jody Keith Druken	26254	Attorney General of Newfoundland Learmonth, Dunne, Clarke	Burke-Robertson	NFLD.
24	Her Majesty the Queen v. (Crim.) Kristian Lee Warsing	26303	Attorney General of British Columbia Manuel Azevedo	Burke-Robertson	B.C.

	Style of cause / Intitulé de la cause	File / Dossier	Counsel / Procureurs	Agent / Correspondant	Prov.
25	Alexander François Thomas v. (Crim.) Her Majesty the Queen	25943	Sheldon Goldberg Attorney General of British Columbia	Gowling, Strathy & Henderson Burke-Robertson	B.C.
26	Christopher Hogarth, et al v. John Emmett Hall, et al - and between - Josephine Perry, et al v. John Emmett Hall, et al - and between - Larry Grail, et al v. Debrah Ordon, the Executrix of the Estate of Bernard Myron Ordon, et al	25702	Beard, Winter Genest, Murray, DesBrisay, Lamek Fernandes Hearn Theall Genest, Murray, DesBrisay, Lamek Bartlet & Richardes Meighen Demers	Gowling, Strathy & Henderson McCarthy, Tétrault McCarthy, Tétrault	ONT.
27	Minister of Health and Community Services v. [M.L.] and [R.L.]	26321	Attorney General of New Brunswick	Gowling, Strathy & Henderson	N.B.
28	[M.R.M] v. (Crim.) Her Majesty the Queen	26042	Nova Scotia Legal Aid Attorney General of Canada	Gowling, Strathy & Henderson	N.S.
29	Sébastien Daigle v. (Crim.) Sa Majesté la Reine	26168	Grenier, Linteau, Petit Procureur général du Québec	Noël & Associés Noël & Associés	

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 : **May 4, 1998**
Service : April 27, 1998
Filing : April 20, 1998
Respondent : April 9, 1998

Motion day : **June 1, 1998**
Service : May 25, 1998
Filing : May 15, 1998
Respondent : May 8, 1998

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 : **4 mai 1998**
Signification : 27 avril 1998
Dépôt : 20 avril 1998
Intimé : 9 avril 1998

Audience du : **1 juin 1998**
Signification : 25 mai 1998
Dépôt : 15 mai 1998
Intimé : 8 mai 1998

DEADLINES: APPEALS

The Spring Session of the Supreme Court of Canada will commence April 27, 1998.

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

1. WHERE NOTICE OF APPEAL FILED BEFORE OCTOBER 29, 1997:

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

Appellant's factum must be filed within four 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 four weeks of the date of service of the respondent's factum, unless otherwise ordered.

2. WHERE NOTICE OF APPEAL FILED ON OR AFTER OCTOBER 29, 1997:

Appellant's record; appellant's factum; and appellant's book(s) of authorities must be filed within four months of the filing of the notice of appeal.

Respondent's record (if any); respondent's factum; and respondent's book(s) of authorities must be filed within eight weeks of the date of service of the appellant's factum.

Intervener's factum and intervener's book(s) of authorities, if any, must be filed within four weeks of the date of service of the respondent's factum, unless otherwise ordered.

Parties' condensed book, if required, must be filed on or before the day of hearing of the appeal.

Please consult the Notice to the Profession of October 1997 for further information.

In all cases, 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.

DÉLAIS: APPELS

La session de printemps de la Cour suprême du Canada commencera le 27 avril 1998.

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:

1. SI L'AVIS D'APPEL EST DÉPOSÉ AVANT LE 29 OCTOBRE 1997:

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 quatre 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 quatre semaines suivant la signification de celui de l'intimé.

2. SI L'AVIS D'APPEL EST DÉPOSÉ LE 29 OCTOBRE 1997 OU APRÈS CETTE DATE:

Le dossier de l'appellant, son mémoire et son recueil de jurisprudence et de doctrine doivent être déposés dans les quatre mois de l'avis d'appel.

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

Le mémoire de l'intervenant et son recueil de jurisprudence et de doctrine, le cas échéant, doivent être déposés dans les quatre semaines suivant la signification de ceux de l'intimé.

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

Veuillez consulter l'avis aux avocats du mois d'octobre 1997 pour plus de renseignements.

Dans tous les cas, 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.

SUPREME COURT OF CANADA SCHEDULE
CALENDRIER DE LA COUR SUPREME

REVISED

- 1997 -

OCTOBER - OCTOBRE						
S D	M L	T M	W M	T J	F V	S S
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5	M 6	7	8	9	10	11
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19	20	21	22	23	24	25
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NOVEMBER - NOVEMBRE						
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DECEMBER - DECEMBRE						
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28	29	30	31			

- 1998 -

JANUARY - JANVIER						
S D	M L	T M	W M	T J	F V	S S
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FEBRUARY - FÉVRIER						
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MARCH - MARS						
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APRIL - AVRIL						
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MAY - MAI						
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31						

JUNE - JUIN						
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28	29	30				

Sittings of the court:
Séances de la cour:



Motions:
Requêtes:

Holidays:
Jours fériés:

17 sitting weeks / semaines séances de la cour
78 sitting days / journées séances de la cour
7 motion and conference days /
journées requêtes, conférences
3 holidays during sitting days /
jours fériés durant les sessions