

**SUPREME COURT
OF CANADA**



**COUR SUPRÊME
DU CANADA**

**BULLETIN OF
PROCEEDINGS**

**BULLETIN DES
PROCÉDURES**

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**Corporation of the District of Maple Ridge et al.
(B.C.)**

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Bull, Housser & Tupper

FILING DATE 6.2.1998

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Pitblado & Hoskin

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Shirley Kathleen Webster et al. (Man.)

Norm Cuddy
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FILING DATE 6.2.1998

Sandra E. Gernhart
Richard W. Pound, Q.C.
Stikeman, Elliott

v. (26469)

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

Roger Leclaire
Dept. of Justice

FILING DATE 6.2.1998

Ion Chiselita
Sid M. Tarrabain
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v. (26471)

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D. Tomljanovic
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FILING DATE 10.2.1998

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D'APPEL DÉPOSÉES**

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v. (26472)

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Christine Bartlett-Hughes
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FILING DATE 10.2.1998

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FILING DATE 12.2.1998

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Michael E. Heller
Heller Gottlieb & Foldiak

c. (26475)

Yvon Blondeau (Qué.)
Benoît Perras
Paquette Trudeau

DATE DE PRODUCTION 13.2.1998

Stéphane Quenneville
Michel Lachance

c. (26476)

**Directeur de la protection de la jeunesse et al.
(Qué.)**

Jean Tremblay
Guy & Gilbert

DATE DE PRODUCTION 13.2.1998

Maurice Quenneville
Michel Lachance

c. (26477)

**Directeur de la protection de la jeunesse et al.
(Qué.)**

Jean Tremblay
Guy & Gilbert

DATE DE PRODUCTION 13.2.1998

George Donald Ferland
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v. (26478)

Her Majesty The Queen (Alta.)

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Dept. of Justice

FILING DATE 13.2.1998

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N.D. Lea & Associates Ltd. (B.C.)

L. Neil Matheson
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FILING DATE 13.2.1998

Verna Friday

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v. (26460)

The Bear Island Foundation et al. (Ont.)

W. Ross Murray
Borden & Elliot

FILING DATE 2.2.1998

65302 British Columbia Ltd.

Kim Hansen
Thorsteinssons

v. (26352)

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

Max Weder
Deputy Attorney General of Canada

FILING DATE 2.2.1998

Jean-Claude Poulin et al.

Gabriel Lapointe
Lapointe, Schachter, Champagne, Talbot

c. (26407)

Me Jean-Guy Gilbert et al. (Qué.)

Guy Godreau
Pouliot, L'Écuyer

DATE DE PRODUCTION 2.2.1998

Bac Dinh Pham et al.

Kenneth R. Steinberg
Steinberg & Co.

v. (26459)

Her Majesty The Queen (B.C.)

S. David Frankel, Q.C.
Dept. of Justice

FILING DATE 30.1.1998

R.G.F., a young person

M. Naeem Rauf

v. (26461)

Her Majesty The Queen (Alta.)

Jack Watson
A.G. of Alberta

FILING DATE 3.2.1998

H. (W.W.)

John L. MacDougall, Q.C.
MacLeod, MacDougall, Crane & Parkman

v. (26464)

Her Majesty The Queen (P.E.I.)

Darrell E. Coombs
Crown Attorney's Office

FILING DATE 5.2.1998

Her Majesty The Queen

Alexander Budlovsky
Min. of the A.G.

v. (26462)

Ronald Neil Scott (B.C.)

Bruce H. Ralston

FILING DATE 3.2.1998

Vincent Wong et al.

Gary L. Bainbridge
Woloshyn Mattison

v. (26465)

Her Majesty The Queen (Sask.)

Myra J. Yuzak
Deputy Attorney General

FILING DATE 5.2.1998

Co-Operators General Insurance Co.

Stephen M. Malach, Q.C.
Malach & Fidler

v. (26466)

Abdul Bapoo (Ont.)

Terrence J. Collier
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FILING DATE 5.2.1998

**478649 Ontario Ltd., carrying on business as
Green Acre Estates**

Wayne Paul Cipollone

v. (26458)

William Corcoran et al. (Ont.)

Clive Elkin
Lang Michener Lawrence & Shaw

FILING DATE 30.1.1998

Nanaimo Regional General Hospital

Victor Leginsky

v. (26463)

Elvena Joyce Heinrichs et al. (F.C.A.)(B.C.)

Allan H. McLean
Schroeder & Co.

FILING DATE 3.2.1998

Western Surety Co. et al.

William B. Richards
Clark, Drummie & Co.

v. (26470)

Sobeys Inc. et al. (N.B.)

Charles LeBlond
Stewart, McKelvey, Stirling, Scales

FILING DATE 9.2.1998

FEBRUARY 20, 1998 / LE 20 FÉVRIER 1998

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

Salvatore Cazzetta

(c. 26326)

Les États-Unis d'Amérique

-et-

Le Gardien du Centre de prévention de Montréal

-et-

La Procureure Générale du Canada (Crim.)(Qué.)

ET ENTRE:

Salvatore Cazzetta

c.

La Ministre de la Justice du Canada

-et-

Les États-Unis d'Amérique

-et-

Le gardien du Centre de prévention de Montréal (Crim.)(Qué.)

NATURE DE LA CAUSE

Droit criminel - *Charte canadienne des droits et libertés* - Extradition - La Cour d'appel du Québec a-t-elle erré en décidant que l'ordonnance d'extradition respectait l'article 6 de la *Charte canadienne des droits et libertés* dans les circonstances où l'État requérant a agi à la demande et avec la collaboration du Canada dans le cadre d'un projet policier visant des Canadiens se trouvant au Canada, et suivant lequel l'État requérant proposerait son territoire comme situs d'une partie du crime, exigerait des suspects que des actes manifestes s'y commettent et les poursuivrait en justice, à la suite d'une extradition? - La Cour d'appel du Québec a-t-elle erré en considérant que la ministre de la Justice n'avait pas manifestement erré en décidant que l'extradition du demandeur ne portait pas atteinte aux principes de justice fondamentale, eu égard aux éléments apparents au dossier démontrant que le situs de la poursuite avait été décidé en fonction notamment du caractère plus avantageux pour les policiers et la poursuite de la loi américaine?

HISTORIQUE PROCÉDURAL

Le 11 mars 1997
Cour supérieure du Québec
(Gomery j.c.s.)

Argument constitutionnel du demandeur rejeté; requête en extradition des États-Unis d'Amérique accueillie; incarcération du demandeur ordonnée

Le 21 octobre 1997
Cour d'appel du Québec
(Michaud j.c.q., Mailhot et Proulx jj.c.a.)

Appel rejeté

Le 21 octobre 1997
Cour d'appel du Québec
(Michaud j.c.Q., Mailhot et Proulx jj.c.a.)

Demande de contrôle judiciaire du demandeur relative
à la décision prise par la Ministre de la Justice le 20 juin
1997 rejetée

Le 19 novembre 1997
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Keyvan Nourhaghighi

v. (26267)

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

NATURE OF THE CASE

Criminal law.

PROCEDURAL HISTORY

December 11, 1996
Ontario Court (Provincial Division) (Lampkin P.C.J.)

Conviction: contempt of court

September 22, 1997
Court of Appeal for Ontario
(Abella, Charron JJ.A., Campbell J. [ad hoc])

Appeal dismissed

October 1, 1997
Supreme Court of Canada

Application for leave to appeal filed

Canada Post Corporation

v. (26357)

Canadian Union of Postal Workers (Ont.)

NATURE OF THE CASE

Labour law - Collective agreement - Standard of review applicable to the decision of an arbitrator who construes documents referred to in a collective agreement that are established and promulgated by an independent third party - Application of the patently unreasonable standard of review - Filing of affidavits during a judicial review proceeding to establish testimony given during arbitration proceedings.

PROCEDURAL HISTORY

December 30, 1991
(K. Burkett)

Grievance allowed

June 30, 1993
Ontario Court, Divisional Court
(McMurtry, Carruthers and Then JJ.)

Application for judicial review allowed, arbitration
award quashed

October 3, 1997
Court of Appeal for Ontario
(Osborne, Rosenberg and Goudge JJ.A.)

Appeal allowed

December 2, 1997
Supreme Court of Canada

Application for leave to appeal filed

James Alistair French

v. (26368)

Pamela A. Chapman and Ryder Whitaker Wright (Ont.)

NATURE OF THE CASE

Labour law - Barristers and solicitors - Duty of fair representation - The nature and scope of the duties owed by a union's solicitor to an individual grievor - Whether the ordinary civil courts have jurisdiction to entertain actions by individual grievors against the solicitor retained by the union to act in the grievance - Whether a common law right to a remedy for a breach of the duty of fair representation is available if an adjudicative mechanism to deal with allegations is contained in the provisions of an applicable labour relations act.

PROCEDURAL HISTORY

November 18, 1996
Ontario Court (General Division) (Brockenshire J.)

Motion for summary judgment allowed, action
dismissed

October 8, 1997
Court of Appeal for Ontario
(Abella, Rosenberg and Moldaver JJ.A.)

Appeal dismissed

December 4, 1997
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**

**Syndicat des travailleurs(euses) des Épicieris Unis Métro-Richelieu (CSN) et Réjean Fleury, Gérard Arseneau,
Richard Rodrigue, Michel Vézina, Jean-Pierre Couillard, Robert Girouard**

c. (26230)

E. Chèvrefils & Fils Inc. et als (Qué.)

NATURE DE LA CAUSE

Procédure - Procédure civile - Outrage au tribunal - Appel - Appel d'un jugement interlocutoire - La Cour d'appel a-t-elle
erré en concluant que les demandeurs n'ont pas le droit d'en appeler d'un jugement interlocutoire rendu par la Cour

supérieure qui rejette leur véritable conclusion, à savoir l'arrêt des procédures, au motif qu'il ne s'agit pas d'un jugement final? - La Cour d'appel a-t-elle erré en déclarant que le jugement rejetant la requête en irrecevabilité peut être remédié par le jugement final? - La Cour d'appel a-t-elle erré en concluant que les fins de la justice ne requièrent pas que la permission d'appel soit accordée, alors que les demandeurs allèguent une violation de leurs droits fondamentaux prévus aux art. 11a) de la *Charte canadienne* et 28.1 de la *Charte québécoise des droits et libertés*, L.R.Q., ch. C-12?

HISTORIQUE PROCÉDURAL

Le 22 mai 1997 Cour supérieure du Québec (Tannenbaum j.c.s.)	Requête en irrecevabilité des demandeurs à l'encontre d'une requête des intimés en outrage au tribunal rejetée
Le 13 juin 1997 Cour d'appel du Québec (Nuss j.c.a.)	Requête pour permission d'en appeler d'un jugement interlocutoire rejetée
Le 26 septembre 1997 Cour suprême du Canada	Demande d'autorisation d'appel déposée
Le 1er octobre 1997 Cour suprême du Canada	Requête en prorogation de délai déposée

Le Procureur général du Québec

c. (26232)

Yolande Dupont (Qué.)

NATURE DE LA CAUSE

Législation - Interprétation - Saisie - Prescription - Requête de l'intimée en opposition aux saisies-exécution mobilières et en mains tierces accueillie - Appel du demandeur rejeté - La prescription de trois ans prévue à l'article 36 de la *Loi sur la Sécurité du revenu*, L.R.Q., c. S.3.1.1, entrée en vigueur en 1989, est-elle applicable à une dette exigible en vertu de la loi qu'elle a remplacée, la *Loi sur l'aide sociale*, L.R.Q., c. A-16, qui ne prévoyait aucun délai de prescription pour le recouvrement de sommes obtenues de mauvaise foi ou par fraude?

HISTORIQUE PROCÉDURAL

Le 1 ^{er} novembre 1995 Cour supérieure du Québec (Pelletier J.C.S.)	Requête de l'intimée en opposition aux saisies-exécution mobilières et en mains tierces accueillie
Le 2 juillet 1997 Cour d'appel du Québec (Michaud J.C.Q., Dussault et Chamberland JJ.C.A.)	Appel du demandeur rejeté
Le 29 septembre 1997 Cour suprême du Canada	Demande d'autorisation d'appel déposée

Yves Monette

c. (26322)

Marcel Poissant (Qué.)

NATURE DE LA CAUSE

Procédure - Droit municipal - Procédure civile - Preuve - Procès - Élection - Contestation - Manoeuvre frauduleuse - Appel - Le juge de première instance a-t-il rencontré les exigences législatives édictées à l'article 292 du *Code de procédure civile*, L.R.Q., c. C-25, à l'égard du pouvoir d'intervention du tribunal dans le cadre d'un procès?

HISTORIQUE PROCÉDURAL

Le 11 mars 1997 Cour supérieure du Québec (Crête j.c.s.)	Requête de l'intimé en annulation d'élection accueillie en partie; élection du demandeur annulée
Le 30 septembre 1997 Cour d'appel du Québec (Dussault, Otis et Robert jj.c.a.)	Requête en réouverture d'enquête et appel du demandeur rejetés
Le 28 novembre 1997 Cour suprême du Canada	Demande d'autorisation d'appel déposée
Le 4 décembre 1997 Cour suprême du Canada (Bastarache j.)	Demande en sursis d'exécution rejetée

Alexander Henri Legault

v. (26354)

Minister of Citizenship and Immigration (F.C.A.)(Qué.)

NATURE OF THE CASE

Immigration - Administrative law - Criminal law - Evidence - Whether the adjudicator erred in finding, on the basis of the warrant for arrest and indictment from the United States of America, that he had reasonable grounds to believe that the applicant had committed outside Canada certain acts or omissions which constituted offences under the laws of the United States of America within the meaning of subparagraph 19(1) c. 1(ii) of the *Immigration Act*, R.S.C. 1985, c. I-2, as amended.

PROCEDURAL HISTORY

December 10, 1993 Immigration and Refugee Board Adjudication Division (Fortier, adjudicator)	Conditional deportation order issued for the Applicant
January 17, 1995 Federal Court, Trial Division (McGillis J.)	Applicant's application for judicial review of adjudicator's decision allowed; decision quashed and matter remitted for rehearing and redetermination before a different adjudicator
October 1, 1997 Federal Court of Appeal (Marceau, MacGuigan and Desjardins JJ.A.)	Appeal allowed; judgment set aside; application for judicial review dismissed
December 1, 1997 Supreme Court of Canada	Application for leave to appeal filed

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

Christopher Arthur Wayne Rafuse

v. (26307)

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

NATURE OF THE CASE

Criminal law - Aiding, abetting or compelling prostitution - Living partly on the avails of prostitution - Whether the Court of Appeal erred in its interpretation and application of the law in relation to living partly on the avails of prostitution - Whether the Court of Appeal erred in its interpretation and application of the law in relation to the necessity for confirmatory evidence in sustaining a conviction for allegations made by a person of unsavoury character - Whether the Court of Appeal erred in its application of s. 686(1)(b)(iii) - Whether the Court of Appeal erred in its interpretation and application of the law in relation to unsafe and unreasonable verdicts.

PROCEDURAL HISTORY

April 22, 1997 Supreme Court of Nova Scotia (Nathanson J.)	Conviction: aiding, abetting or compelling prostitution; living partly off the avails of prostitution
September 16, 1997 Nova Scotia Court of Appeal (Freeman, Pugsley, Bateman JJ.A.)	Appeal dismissed
November 13, 1997 Supreme Court of Canada	Application for leave to appeal filed

Paul Devon McCarthy

v. (26344)

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

NATURE OF THE CASE

Criminal law - Evidence - Eyewitness identification evidence - Expert opinion evidence - Whether the Court of Appeal erred in holding that the defence expert who sought to testify as to the frailties of eyewitness identification was properly not permitted to testify .

PROCEDURAL HISTORY

January 31, 1995 Ontario Court (General Division) (Wein J.)	Conviction: aggravated assault, robbery, weapons offences
July 31, 1997 Court of Appeal for Ontario (Finlayson, Labrosse and Austin JJ.A.)	Appeal dismissed

November 28, 1997
Supreme Court of Canada

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

C.M. Malhotra

v. (26310)

Municipality of Metropolitan Toronto (Ont.)

NATURE OF THE CASE

Procedural law - Did lower courts err in striking out statement of claim and dismissing Applicant's action in wrongful dismissal.

PROCEDURAL HISTORY

August 22, 1996
Ontario Court (General Division) (Lax J.)

Respondent's motion for order striking out and
dismissing the Applicant's action granted

September 22, 1997
Court of Appeal for Ontario
(Osborne, Laskin and Goudge JJ.A.)

Appeal dismissed

November 14, 1997
Supreme Court of Canada

Application for leave to appeal filed

University of Saskatchewan

v. (26370)

**Fireman's Fund Insurance Company of Canada, now known as Wellington General Insurance Company,
Continental Insurance Company, and INA Insurance Company of Canada (Sask.)**

NATURE OF THE CASE

Commercial law - Insurance - All risks insurance policy covering many buildings of varying ages and physical conditions - No exclusion for faulty design, materials or workmanship - Hidden, progressive damage occurring over a span of time beginning before the policy period - Loss first became apparent during the policy period - Whether the damage continued into the policy period - Whether the "loss" occurred during policy period - Whether the Court of Appeal erred in applying the principle that exclusion clauses should be construed narrowly and coverage broadly - Whether the doctrine of reasonable expectations should be incorporated into the law of Canada - What does the term "but this exclusion shall not apply to damage resulting therefrom" mean in the context of progressive damage?

PROCEDURAL HISTORY

April 21, 1995
Court of Queen's Bench for Saskatchewan
(Wimmer J.)

Applicant entitled to recover from Respondent the cost
of repairing, replacing, constructing or reconstructing
the damaged property

APPLICATIONS FOR LEAVE
SUBMITTED TO COURT SINCE LAST ISSUE

DEMANDES SOUMISES À LA COUR DEPUIS
LA DERNIÈRE PARUTION

October 10, 1997
Court of Appeal for Saskatchewan
(Vancise, Sherstibitoff and Jackson J.J.A.)

Appeal allowed

December 8, 1997
Supreme Court of Canada

Application for leave to appeal filed

FEBRUARY 26, 1998 / LE 26 FÉVRIER 1998

26273 **TSAWWASSEN INDIAN BAND, CHIEF SHARON BOWCOTT, COUNCILLOR KIMBERLY BAIRD, COUNCILLOR MARVIN JOE, COUNCILLOR CANDY ADAMS, COUNCILLOR TAMMY WILLIAMS - v. - CORPORATION OF DELTA AND ATTORNEY GENERAL OF BRITISH COLUMBIA** (B.C.)

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

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

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

NATURE OF THE CASE

Indians - Municipal Law - Constitutional Law - Division of Powers - Law of Obligations - Reasonable Notice - Cessation of fire protection services by a municipal corporation to an Indian reserve located within its municipal boundaries - Whether there is a common law duty to provide services terminable upon reasonable notice - Whether duty extinguished or modified by the *Indian Self Government Enabling Act*, S.B.C. 1990, c. 52 - Whether extinguishment or modification is ultra vires a provincial legislature - Whether cessation of services was a constitutionally impermissible attempt to control or limit development on the Applicant's reserve and void for improper purpose.

PROCEDURAL HISTORY

September 24, 1998
Supreme Court of British Columbia (Vickers J.)

Petition for judicial review dismissed

August 6, 1997
Court of Appeal for British Columbia
(Cumming, Hollinrake and Braidwood JJ.A.)

Appeal allowed in part

October 27, 1997
Supreme Court of Canada

Applications for leave to appeal and extension of time filed

26302 **RANJIT SINGH CHEEMA - v. - REGINA** (Crim.)(B.C.)

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Criminal law - Sentencing - Conditional sentence - Whether the Court of Appeal erred in finding that the principles of general deterrence and denunciation precluded the imposition of a conditional sentence and in imposing a sentence of imprisonment.

PROCEDURAL HISTORY

December 19, 1996 British Columbia Supreme Court (Dohm A.C.J.B.C.)	Conviction: possession of a handgun for a purpose dangerous to the public peace; Sentence: 6 months imprisonment
October 31, 1997 Court of Appeal for British Columbia (Lambert, Newbury, Proudfoot JJ.A.)	Sentence appeal dismissed
December 1, 1997 Supreme Court of Canada	Application for leave to appeal filed

26252 **JEAN DUBOIS - c. - SA MAJESTÉ LA REINE** (Crim.)(Qué.)

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

La demande d'autorisation d'appel est rejetée.

The application for leave to appeal is dismissed.

NATURE DE LA CAUSE

Législation - Interprétation - Saisie - Prescription - Requête de l'intimée en opposition aux saisies-exécution mobilières et en mains tierces accueillie - Appel du demandeur rejeté - La prescription de trois ans prévue à l'article 36 de la *Loi sur la Sécurité du revenu*, L.R.Q., c. S.3.1.1, entrée en vigueur en 1989, est-elle applicable à une dette exigible en vertu de la loi qu'elle a remplacée, la *Loi sur l'aide sociale*, L.R.Q., c. A-16, qui ne prévoyait aucun délai de prescription pour le recouvrement de sommes obtenues de mauvaise foi ou par fraude?

HISTORIQUE PROCÉDURAL

Le 1 ^{er} novembre 1995 Cour supérieure du Québec (Pelletier J.C.S.)	Requête de l'intimée en opposition aux saisies-exécution mobilières et en mains tierces accueillie
Le 2 juillet 1997 Cour d'appel du Québec (Michaud J.C.Q., Dussault et Chamberland JJ.C.A.)	Appel du demandeur rejeté
Le 29 septembre 1997 Cour suprême du Canada	Demande d'autorisation d'appel déposée

26289 **A.C. VAN DER MEULEN - v. - THE VETERINARY MEDICAL BOARD OF MANITOBA**
(Man.)

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is dismissed with costs.

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

NATURE OF THE CASE

Statutes - Interpretation - *Veterinary Medical Act*, R.S.M. 1987, c.V30, s.18 - Administrative law - Law of professions - Veterinary medicine - Whether participation in a surgical procedure is tantamount to performance of a surgical operation - Whether suturing is assisting in surgery and not performing a surgical operation.

PROCEDURAL HISTORY

June 5, 1996 Court of Queen's Bench of Manitoba (Dureault J.)	Applicant's appeal of a conviction of unprofessional conduct dismissed
September 4, 1997 Court of Appeal of Manitoba (Scott C.J.M., Philp and Kroft [dissenting] JJ.A.)	Appeal dismissed
November 3, 1997 Supreme Court of Canada	Application for leave to appeal filed

26026 **ADOLPH BETKER v. HER MAJESTY THE QUEEN** (Ont.)

CORAM: Cory, Major and Binnie JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Criminal law - Trial - Procedure - Juries - Jury selection - Whether the trial judge erred in dismissing the Applicant's application to challenge prospective jurors for cause based on potential bias against the Applicant because he was charged with sexual offences.

PROCEDURAL HISTORY

December 2, 1994 Ontario Court (General Division) (Borkovich J.)	Conviction: indecent assault, gross indecency, incest
April 22, 1997 Court of Appeal for Ontario (McMurtry C.J.O., Osborne, Moldaver JJ.A.)	Appeal dismissed
September 12, 1997 Supreme Court of Canada (Cory J.)	Motion for the extension of time granted
September 29, 1997 Supreme Court of Canada	Application for leave to appeal filed

26335 **J. PAUL FINGOLD v. HER MAJESTY THE QUEEN** (F.C.A.)(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

Taxation - Statutes - Interpretation - *Income Tax Act* - Proper approach to valuation of shareholder benefits under s. 15(1) of the *Income Tax Act* - Appellate court reassessment of trial judge's findings of fact.

PROCEDURAL HISTORY

December 22, 1995
Tax Court of Canada (Sobier J.)

Appeals from tax assessments allowed, matter referred back to Minister for reassessment

September 26, 1997
Federal Court of Appeal
(Strayer, Stone, MacGuigan JJ.A.)

Appeal allowed, judgment of Tax Court set aside

November 24, 1997
Supreme Court of Canada

Application for leave to appeal filed

26367 **NANCY BROHMAN AND WAYNE BROHMAN v. GINUS RAYMOND JONKMAN, TRACEY LEE JONKMAN AND J.W. CONSTRUCTION (BROCKVILLE) LTD.** (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

Property law - Contracts - Real property - Fraudulent misrepresentation - Whether the Court of Appeal erred in concluding that the Applicants were required to prove fraud - Whether the Court of Appeal erred in concluding that the evidence did not support the trial judge's conclusion that the Respondents had acted fraudulently - Whether the Court of Appeal erred in overturning the trial judge's assessment of the credibility of witnesses.

PROCEDURAL HISTORY

February 24, 1995
Ontario Court (General Division)
(Cosgrove J.)

Damages of \$32,894.42 for fraudulent misrepresentation found against the personal Respondents

October 8, 1997
Court of Appeal for Ontario
(Robins, Doherty and Laskin JJ.A.)

Appeal allowed; action dismissed

December 5, 1997
Supreme Court of Canada

Application for leave to appeal filed

26336 **RICARDO JOSE SACA v. YORK UNIVERSITY** (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

Administrative law - Judicial review - Colleges & Universities - Whether the Divisional Court applied the appropriate standard of review - Whether the Court of Appeal erred in dismissing the Applicant's motion for leave to appeal.

PROCEDURAL HISTORY

June 26, 1997
Ontario Court (General Division) (Divisional Court)
(Hart, McRae, Matlow JJ.A.)

Applicant's application for judicial review dismissed

September 22, 1997
Court of Appeal for Ontario
(Brooke, Carthy, Moldaver JJ.A.)

Applicant's motion for leave to appeal dismissed

November 20, 1997
Supreme Court of Canada

Application for leave to appeal dismissed

26297 **449136 ONTARIO INC., CARRYING ON BUSINESS UNDER THE FIRM NAME AND STYLE OF THE ALBION TAVERN, MARILYN DYCK AND GEORGE ARTHUR SANFORD v. JOHN HENRY CLARKE** (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

Torts - Motor vehicles - Negligence - Taverners' liability - Procedural law - Limitation of actions - Prescription - Respondent consuming large quantity of alcohol at Applicants' tavern - Respondent then operating motor vehicle and having accident - Respondent severely injured - Respondent filing statement of claim five years after date of accident - Whether two year limitation period in *Highway Traffic Act* or six year limitation period in *Limitation Act* applies.

PROCEDURAL HISTORY

February 14, 1996 Ontario Court (General Division) Macdonald J.	Order determining limitation period of six years applicable
September 11, 1997 Court of Appeal for Ontario McMurtry, Robins and McKinlay, JJ.A.	Appeal dismissed with costs
November 7, 1997 Supreme Court of Canada	Application for leave to appeal filed

25959 **VICTOR BRIAN OLSON v. THE LAW SOCIETY OF MANITOBA** (Man.)

CORAM: Cory, McLachlin and Iacobucci JJ.

The motion to adduce new evidence is dismissed and the application for reconsideration is dismissed with costs.

La requête pour déposer d'autres éléments de preuve est rejetée et la demande de réexamen est rejetée avec dépens.

25437 **STEPHEN WILLIAM KENNETH FEGOL AND ALBERT ROY FEGOL v. THE MANITOBA AGRICULTURAL CREDIT CORPORATION AND N.M. TILLEY REALTY LTD. v. STEPHEN WILLIAM KENNETH FEGOL AND STEPHEN WILLIAM KENNETH FEGOL v. N.M. TILLEY REALTY LTD.** (Man.)

CORAM: Cory, Major and Bastarache JJ.

The application for reconsideration is dismissed.

La demande de réexamen est rejetée.

20.2.1998

Before / Devant: McLACHLIN J.

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

Requête en prorogation du délai imparti pour déposer le mémoire d’un intimé

Attorney General of Ontario

v. (25838)

M. and H. (Ont.)

GRANTED / ACCORDÉE

I have before me three motions:

- 1) motion on behalf of the respondent M. for an order removing H.’s counsel from the record or in the alternative for directions to define H.’s counsel role and for an order permitting M. equal time to respond to the arguments by H. and the Attorney General for Ontario;
- 2) motion on behalf of the respondent H. for additional time for oral submissions (1 hour in total); and
- 3) motion on behalf of the respondent H. for an order extending the time to serve and file the factum to January 15, 1998.

On the first motion, I would dismiss the motion to remove H.’s counsel from the record. I would adjourn the alternative motion for directions to the hearing of the appeal, when the Court may determine what time, if any, is required to respond to the arguments of H.

I would grant the second and third motions. In granting the second motion, however, I would wish to emphasize that the submissions should be confined to those matters in dispute and that the Court reserves the right to curtail argument should it not prove helpful.

20.2.1998

Before / Devant: LE JUGE McLACHLIN

Motion to strike out

Requête en radiation

Pierre Poliquin et al.

v. (26451)

Perron-Malenfant (Qué.)

DISMISSED / REJETÉE

24.2.1998

Before / Devant: THE REGISTRAR

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

Requête en prorogation du délai imparti pour déposer la réplique du requérant

Ranjit Singh Cheema

With the consent of the parties.

v. (26302)

Her Majesty The Queen (B.C.)

GRANTED / ACCORDÉE Time extended to December 22, 1997.

25.2.1998

Before / Devant: THE REGISTRAR

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

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

John Campbell and Salvatore Shirose

With the consent of the parties.

v. (25780)

Her Majesty The Queen (Ont.)

GRANTED / ACCORDÉE Time extended to February 23, 1998.

25.2.1998

Before / Devant: McLACHLIN J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Procureur général du Québec
Attorney General of Ontario

IN/DANS: Her Majesty The Queen

v. (25435)

Sidney Walwyn Wells (B.C.)

GRANTED / ACCORDÉE

La requête autorisant l'intervention est accordée. L'intervenant (Procureur général du Québec) peut produire un mémoire conjoint (25435 - 25561) n'excédant pas 20 pages et de présenter une plaidoirie orale ne dépassant pas 15 minutes.

The motion for leave to intervene is granted. The intervener (A.G. of Ontario) will be allowed to file a factum not to exceed 30 pages and oral argument not to exceed 15 minutes.

25.2.1998

Before / Devant: McLACHLIN J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Attorney General for Alberta

With the consent of the parties.

IN/DANS: Her Majesty The Queen

v. (25435)

Sidney Walwyn Wells (B.C.)

GRANTED / ACCORDÉE

The motion for leave to intervene is granted. The intervener will be allowed to file a joint factum (25435 - 25561) not to exceed 20 pages.

25.2.1998

Before / Devant: McLACHLIN J.

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

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

BY/PAR: Attorney General of Canada

With the consent of the parties.

IN/DANS: Her Majesty The Queen

v. (25435)

Sidney Walwyn Wells (B.C.)

GRANTED / ACCORDÉE

The motion for leave to intervene is granted. The intervener will be allowed to file a joint factum (25435 - 25561) not to exceed 25 pages and oral argument not to exceed 20 minutes.

25.2.1998

Before / Devant: McLACHLIN J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Procureur général du Québec

IN/DANS: Michael Colin Hodgson

v. (25561)

Her Majesty The Queen (Ont.)

GRANTED / ACCORDÉE

La requête autorisant l'intervention est accordée. L'intervenant peut produire un mémoire conjoint (25561 - 25435) n'excédant pas 20 pages et de présenter une plaidoirie orale ne dépassant pas 15 minutes.

25.2.1998

Before / Devant: McLACHLIN J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Attorney General of British Columbia
Attorney General for Alberta

With the consent of the parties.

IN/DANS: Michael Colin Hodgson

v. (25561)

Her Majesty The Queen (Ont.)

GRANTED / ACCORDÉE

The motion for leave to intervene is granted. The intervener (A.G. of B.C.) will be allowed to file a factum not to exceed 20 pages and oral argument not to exceed 15 minutes.

The motion for leave to intervene is granted. The intervener (A.G. for Alberta) will be allowed to file a joint factum (25561 - 25435) not to exceed to 20 pages.

25.2.1998

Before / Devant: McLACHLIN J.

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

BY/PAR: Attorney General of Canada

IN/DANS: Michael Colin Hodgson

v. (25561)

Her Majesty The Queen (Ont.)

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

With the consent of the parties.

GRANTED / ACCORDÉE

The motion for leave to intervene is granted. The intervener will be allowed to file a joint factum (25561 - 25435) not to exceed 25 pages and oral argument not to exceed 20 minutes.

26.2.1998

Before / Devant: McLACHLIN J.

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

BY/PAR: Canadian Conference of Catholic
Bishops

IN/DANS: Children's Foundation

v. (26013)

Patrick Allan Bazley (B.C.)

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

GRANTED / ACCORDÉE

The motion for leave to intervene is granted. The intervener will be allowed to file a factum not to exceed 20 pages and oral argument not to exceed 15 minutes.

**NOTICE OF APPEAL FILED SINCE
LAST ISSUE**

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

11.2.1998

Her Majesty The Queen

v. (26473)

Joann Kimberley White (B.C.)

AS OF RIGHT

24.2.1998

Glenn Norman Davis

v. (26441)

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

AS OF RIGHT

**APPEALS HEARD SINCE LAST
ISSUE AND DISPOSITION**

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

23.2.1998

CORAM: L'Heureux-Dubé, Gonthier, Cory, McLachlin, Iacobucci, Major and Bastarache JJ.

**Vancouver Society of Immigrant & Visible
Minority Women**

v. (25359)

Minister of National Revenue (F.C.A.)(B.C.)

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

Taxation - Whether women are a significant part of the community for the purposes of the four components of charity as enunciated by Lord Macnaghten in *The Commissioners for Special Purposes of the Income Tax Act v. John Pemsel*, [1891] A.C. 531 - Whether the Society is a charity under a modern test of whether it was providing a public benefit.

David W. Mossop, for the appellant.

Emilio S. Binavince and Uzma Ihsanullah, for the intervener the Minority Advocacy & Rights Council et al.

W. Laird Hunter and Arthur B.C. Drache, Q.C., for the intervener Canadian Centre for Philanthropy.

Roger Leclaire and Johanne D'Auray, for the respondent.

Nature de la cause:

Droit fiscal - Les femmes sont-elles une partie importante de la société aux fins des quatre éléments constitutifs d'un organisme de charité, énoncés par lord Macnaghten dans *The Commissioners for Special Purposes of the Income Tax c. Pemsel*, [1891] A.C. 531? - La Société est-elle un organisme de charité en vertu du critère moderne des fins utiles à l'ensemble de la société?

23.2.1998

CORAM: Le juge en chef Lamer et les juges L'Heureux-Dubé, Gonthier, Cory, McLachlin, Iacobucci et Bastarache.

Succession Clément Guillemette et al.

c. (25617)

J.M. Asbestos Inc. (Qué.)

Claire Delisle and Marie-France Bernier, pour l'appelante la Commission d'appel en matière de lésions professionnelles.

Richard Mailhot, pour les appelantes Succession Clément Guillemette et al.

Maurice Cloutier, pour l'intervenante la Commission de la santé et de la sécurité du travail.

Edward Kravitz, pour l'intervenante la Confédération des syndicats nationaux.

Gérard Dugré, Philippe Casgrain, c.r. et Michel Towner, pour l'intimée.

LE JUGE EN CHEF (oralement) -- Nous sommes tous, pour l'essentiel, d'accord, avec les motifs de M. le juge Forget de la Cour d'appel du Québec.

En conséquence, le pourvoi est accueilli, le jugement de la Cour d'appel du Québec est infirmé, et la décision rendue par la Commission d'appel en matière de lésions professionnelles est rétablie, le tout avec dépens dans toutes les cours.

[TRANSLATION] THE CHIEF JUSTICE (orally) -- We all essentially agree with the reasons of Forget J.A. of the Quebec Court of Appeal.

Accordingly, the appeal is allowed, the judgment of the Quebec Court of Appeal is set aside and the decision rendered by the Commission d'appel en matière de lésions professionnelles is restored, the whole with costs throughout.

24.2.1998

CORAM: Chief Justice Lamer and L'Heureux-Dubé, Gonthier, Cory, McLachlin, Iacobucci, Major, Bastarache and Binnie JJ.

Victor Daniel Williams

v. (25375)

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

Joseph J. Blazina, for the appellant.

Kent Roach and Noelle Spotton, for the intervener the Aboriginal Legal Services of Toronto Inc.

Steven M. Hinkson and Julian K. Roy, for the intervener the African Canadian Legal Clinic.

Julian N. Falconer and Richard Macklin, for the intervener the Urban Alliance on Race Relations.

James Lockyer, for the intervener the Criminal Lawyers' Association.

Dirk Ryneveld, Q.C. and George Ivanisko, for the respondent.

Graham Garton, Q.C., for the intervener the A.G. of Canada.

Ian R. Smith, for the intervener the A.G. for Ontario.

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

Criminal law - Trial - Procedure - Juries - Jury selection - Challenge for cause - Whether prospective jurors can be questioned with respect to racial bias against aboriginal persons - *R. v. Parks* (1993), 84 C.C.C. (3d) 353 (Ont. C.A.)

Nature de la cause:

Droit criminel - Procès - Procédure - Jurys - Choix du jury - Récusation pour cause - Les candidats jurés peuvent-ils être interrogés sur la partialité raciale envers les autochtones? *R. c. Parks* (1993), 84 C.C.C. (3d) 353 (Ont. C.A.)

25.2.1998

CORAM: Chief Justice Lamer and L'Heureux-Dubé, Gonthier, Cory, McLachlin, Iacobucci, Major,
Bastarache and Binnie JJ.

Jeffrey Rose

v. (25448)

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

Keith E. Wright and Ralph B. Steinberg, for the
appellant.

Michael Bernstein, for the respondent.

Donna Valgardson and Nancy L. Irving, for the
intervener the A.G. of Canada.

Jacques Gauvin, pour l'intervenant le procureur
général du Québec.

Alexander Budlovsky, for the intervener the A.G. of
British Columbia.

Written submission only (Jack Watson, Q.C.), for the
intervener the A.G. of Alberta.

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

Canadian Charter of Rights and Freedoms - Criminal
law - Procedural law - Jury address - Whether ss.
651(3) and 651(4) of the *Criminal Code*, which
require counsel for the accused to address the jury
before the Crown if the accused calls evidence, violate
ss. 7 and 11 of the *Charter* - Whether accused entitled
to right of reply to Crown's closing address.

Nature de la cause:

Charte canadienne des droits et libertés - Droit
criminel - Droit procédural - Exposé au jury - Les
paragraphe 651(3) et 651(4) du *Code criminel*, qui
exigent que l'avocat de l'accusé s'adresse au jury
avant le ministère public si l'accusé présente une
preuve, violent-ils les articles 7 et 11 de la *Charte*? -
L'accusé a-t-il un droit de réplique à l'exposé final du
ministère public?

26.2.1998

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

Janusz Charemski

v. (26033)

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

Clay M. Powell, Q.C. and Gordon D. Cudmore, for
the appellant.

Susan G. Ficek, for the respondent.

DISMISSED reasons to follow / REJETÉE motifs à suivre

Nature of the case:

Criminal law - Evidence - Trial - Whether the trial judge erred in holding that there was no evidence which would justify leaving the case to the jury - Did the Court of Appeal err in holding that when evidence is taken as a whole and justifiable inferences (not speculation or suspicions) are drawn from its elements, the balance favours guilt over innocence - Whether there was evidence of guilt which must be considered by the jury.

Nature de la cause:

Droit criminel - Preuve - Procès - Le juge du procès a-t-il commis une erreur en concluant qu'il n'y avait aucune preuve justifiant que l'affaire soit soumise à l'appréciation du jury? - La Cour d'appel a-t-elle commis une erreur en concluant que, lorsque la preuve est prise dans son ensemble et que des inférences justifiables (non de simples spéculations ou soupçons) sont faites à partir des éléments de preuve, la balance penchait du côté de la culpabilité plutôt que de l'innocence? - Y avait-il une preuve de culpabilité qui devait être examinée par le jury?

WEEKLY AGENDA

**ORDRE DU JOUR DE LA
SEMAINE**

AGENDA for the week beginning March 2, 1998.
ORDRE DU JOUR pour la semaine commençant le 2 mars 1998.

<u>Date of Hearing/ Date d'audition</u>	<u>Case Number and Name/ Numéro et nom de la cause</u>
02/03/98	Motions - Requêtes

NOTE:

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

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

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

**INDEX CUMULATIF - REQUÊTES
EN AUTORISATION DE POURVOI**

This index includes applications for leave to appeal standing for judgment at the beginning of 1998 and all the applications for leave to appeal filed or heard in 1998 up to now.

Cet index comprend les requêtes en autorisation de pourvoi en délibéré au début de 1998 et toutes celles produites ou entendues en 1998 jusqu'à maintenant.

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

CASE/AFFAIRE	Status/ Statut	Disposition/ Résultat
	Page	
2550-9613 <i>Québec Inc. c. Ville de Val D'Or</i> (Qué.), 26176, *B	185(98)	
2903113 <i>Canada Inc. c. Régie des marchés agricoles et alimentaires du Québec</i> (Qué.), 26256, *A	1868(97)	
449136 <i>Ontario Inc. v. Clarke</i> (Ont.), 26297, *02 26.2.98	209(98)	346(98)
478649 <i>Ontario Ltd. v. Corcoran</i> (Ont.), 26458, *A	333(98)	
65302 <i>British Columbia Ltd. v. The Queen</i> (F.C.A.)(B.C.), 26352, *A	332(98)	
<i>A & I Investments Ltd. v. The Queen in right of the Province of Ontario</i> (Ont.), 26395, *A	65(98)	
<i>Abrahams v. Scott</i> (B.C.), 26224, *02 19.2.98	147(98)	281(98)
<i>Adbusters Media Foundation v. Canadian Broadcasting Corporation</i> (B.C.), 26369, *A	1(98)	
<i>Air Canada v. Ticketmet Corporation</i> (Ont.), 26421, *A	68(98)	
<i>Air Line Pilots Association v. Canadian Airlines International Ltd.</i> (B.C.), 26221, *B	273(98)	
<i>Allard v. Corporation of the District of Maple Ridge</i> (B.C.), 26467, *A	331(98)	
<i>Arditi c. Nolan</i> (Qué.), 25557, *A	1789(96)	
<i>Arsenault v. The Queen</i> (Ont.), 26311, *A	2099(97)	
<i>Assurance-vie Desjardins c. Sous-ministre du Revenu du Québec</i> (Qué.), 26382, *A	2(98)	
<i>Athwal v. Minister of Citizenship and Immigration</i> (F.C.A)(B.C.), 26294, *02 12.2.98	75(98)	221(98)
<i>Aytel Property Management Inc. v. Regional Assessment Commissioner, Region No. 23</i> (Ont.), 26121, *A	1621(97)	
<i>Bal v. Attorney General for Ontario</i> (Ont.), 26116, *02 12.2.98	77(98)	225(98)
<i>Barrouk v. Crowther</i> (Alta.), 26447, *A	180(98)	
<i>Bastings-Allard c. Bastings</i> (Qué.), 26079, *02 8.1.98	2179(97)	20(98)
<i>Bazgan v. The Queen</i> (Alta.), 26457, *A	269(98)	
<i>Beaulac v. The Queen</i> (B.C.), 26416, *A	67(98)	
<i>Bergeron c. Corps canadien des commissionnaires</i> (Qué.), 26365, *A	1(98)	

<i>Bergeron c. Union des agents de sécurité du Québec métallurgistes unis d'Amérique, local 8922 (Qué.)</i> , 26364, *A	1(98)	
<i>Best v. Best (Ont.)</i> , 26345, *B	271(98)	
<i>Betker v. The Queen (Crim.)(Ont.)</i> , 26026, *01 26.2.98	207(98)	344(98)
<i>Black v. Ernst & Young Inc. (N.S.)</i> , 24792, *A	1188(95)	
<i>Blackburn-Moreault c. Moreault (Qué.)</i> , 25776, *A	281(97)	
<i>Blanchard c. La Reine (Crim.)(Qué.)</i> , 26268, *01 22.1.98	2229(97)	80(98)
<i>Bluebird Footwear Inc. c. General Motors Acceptance Corporation of Canada (Qué.)</i> , 24386, *A	1764(94)	
<i>Board of School Trustees of School District No. 46 (Sunshine Coast) v. Sunshine Coast Teachers' Association (B.C.)</i> , 26204, *02 12.2.98	12(98)	215(98)
<i>Bradley v. The Queen (F.C.A.)(Ont.)</i> , 26308, *02 19.2.98	150(98)	286(98)
<i>Brault c. Fontaine (Qué.)</i> , 23953, *A	196(94)	
<i>Brigis v. St. Lawrence Seaway Authority (Ont.)</i> , 26427, *A	145(98)	
<i>Brignolio v. Desmarais (Ont.)</i> , 25403, *A	1202(96)	
<i>British Columbia Government and Service Employees' Union v. Government of the Province of British Columbia (B.C.)</i> , 26274, *03 12.2.98	69(98)	216(98)
<i>British Columbia Hydro and Power Authority v. N.D. Lea & Associates Ltd. (B.C.)</i> , 26479, *A	332(98)	
<i>Brohman v. Jonkman (Ont.)</i> , 26367, *02 26.2.98	208(98)	345(98)
<i>Brouillette c. Société d'agriculture du Comté de Verchères (Qué.)</i> , 25791, *A	179(98)	
<i>Brown v. Royal Bank of Canada (Alta.)</i> , 26283, *B	278(98)	
<i>CP. Containers (Bermuda) Ltd. v. Director of Investigation and Research (Ont.)</i> , 26319	5(98)	232(98)

The applications for an extension of time are granted. The applications for oral hearings are dismissed. An order will go staying the following orders pending the determination of the appeals in *Royal Bank of Canada v. Director of Investigation and Research (Ont.)* (26316); *Canadian Pacific Limited, et al v. Director of Investigation and Research (Ont.)* (26317).

a) The order granted on February 20, 1997 by Farley J. in Ontario Court (General Division) Commercial List File Nos. B55/95F, B55/95G and B55/95H;

b) The order granted on May 21, 1996 by Farley J. in Ontario Court (General Division) Commercial List File No. B55/95F; and

c) The order granted on March 19, 1997 by Farley J. in Ontario Court (General Division) Commercial List File Nos. B55/95B, B55/95F and B55/95M.

<i>Cain v. The Queen (Crim.)(Ont.)</i> , 26132, *01 8.1.98	2177(97)	18(98)
<i>Canada Post Corporation v. Canadian Union of Postal Workers (Ont.)</i> , 26357, *B	335(98)	
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<p>The applications for an extension of time are granted. The applications for oral hearings are dismissed. An order will go staying the following orders pending the determination of the appeals in <i>Royal Bank of Canada v. Director of Investigation and Research</i> (Ont.) (26316); <i>Canadian Pacific Limited, et al v. Director of Investigation and Research</i> (Ont.) (26317).</p> <p>a) The order granted on February 20, 1997 by Farley J. in Ontario Court (General Division) Commercial List File Nos. B55/95F, B55/95G and B55/95H;</p> <p>b) The order granted on May 21, 1996 by Farley J. in Ontario Court (General Division) Commercial List File No. B55/95F; and</p> <p>c) The order granted on March 19, 1997 by Farley J. in Ontario Court (General Division) Commercial List File Nos. B55/95B, B55/95F and B55/95M.</p>		
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Cet index comprend les pourvois en délibéré au début de 1998 et tous ceux entendus en 1998 jusqu'à maintenant.

*01 dismissed/rejeté

*02 dismissed with costs/rejeté avec dépens

*03 allowed/accueilli

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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 : **March 2, 1998**
Service : February 9, 1998
Filing : February 16, 1998
Respondent : February 23, 1998

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

DÉVANT LA COUR:

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

Audience du : **2 mars 1998**
Signification : 9 février 1998
Dépôt : 16 février 1998
Intimé : 23 février 1998

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.

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 [1997] 3 S.C.R. Part 1

Reference re Remuneration of Judges of the Provincial Court (P.E.I.), [1997] 3 S.C.R. 3

Judgments reported in [1997] 3 S.C.R. Part 2

Benner v. Canada (Secretary of State), [1997] 3 S.C.R. 389

R. v. Belvanis, [1997] 3 S.C.R. 341

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R. v. Lifchus, [1997] 3 S.C.R. 320

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Canada (Attorney General) v. Canada (Commission of Inquiry on the Blood System), [1997] 2 S.C.R. 440

Canada (Minister of Citizenship and Immigration) v. Tobiass, [1997] 3 S.C.R. 391

Peixeiro v. Haberman, [1997] 3 S.C.R. 549

R. v. S. (R.D.), [1997] 3 S.C.R. 484

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Jugements publiés dans [1997] 3 R.C.S. Partie 1

Renvoi relatif à la rémunération des juges de la Cour provinciale (Î.-P.-É.), [1997] 3 R.C.S. 3

Jugements publiés dans [1997] 3 R.C.S. Partie 2

Benner c. Canada (Secrétaire d'État), [1997] 3 R.C.S. 389

R. c. Belvanis, [1997] 3 R.C.S. 341

R. c. Hydro-Québec, [1997] 3 R.C.S. 213

R. c. Lifchus, [1997] 3 R.C.S. 320

Jugements publiés dans [1997] 3 R.C.S. Partie 3

Canada (Procureur général) c. Canada (Commission d'enquête sur le système d'approvisionnement en sang au Canada), [1997] 3 R.C.S. 440

Canada (Ministre de la Citoyenneté et de l'Immigration) c. Tobiass, [1997] 3 R.C.S. 391

Peixeiro c. Haberman, [1997] 3 R.C.S. 549

R. c. S. (R.D.), [1997] 3 R.C.S. 484

SUPREME COURT OF CANADA SCHEDULE
CALENDRIER DE LA COUR SUPREME

REVISED

- 1997 -

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NOVEMBER - NOVEMBRE						
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DECEMBER - DECEMBRE						
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JANUARY - JANVIER						
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APRIL - AVRIL						
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JUNE - JUIN						
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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