

**SUPREME COURT
OF CANADA**



**COUR SUPRÊME
DU CANADA**

**BULLETIN OF
PROCEEDINGS**

**BULLETIN DES
PROCÉDURES**

This Bulletin is published at the direction of the Registrar and is for general information only. It is not to be used as evidence of its content, which, if required, should be proved by Certificate of the Registrar under the Seal of the Court. While every effort is made to ensure accuracy, no responsibility is assumed for errors or omissions.

Ce Bulletin, publié sous l'autorité de la registraire, ne vise qu'à fournir des renseignements d'ordre général. Il ne peut servir de preuve de son contenu. Celle-ci s'établit par un certificat de la registraire donné sous le sceau de la Cour. Rien n'est négligé pour assurer l'exactitude du contenu, mais la Cour décline toute responsabilité pour les erreurs ou omissions.

Subscriptions may be had at \$200 per year, payable in advance, in accordance with the Court tariff. During Court sessions it is usually issued weekly.

Le prix de l'abonnement, fixé dans le tarif de la Cour, est de 200 \$ l'an, payable d'avance. Le Bulletin paraît en principe toutes les semaines pendant les sessions de la Cour.

The Bulletin, being a factual report of recorded proceedings, is produced in the language of record. Where a judgment has been rendered, requests for copies should be made to the Registrar, with a remittance of \$10 for each set of reasons. All remittances should be made payable to the Receiver General for Canada.

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 à la registraire, accompagnée de 10 \$ par exemplaire. Le paiement doit être fait à l'ordre du Receveur général du Canada.

CONTENTS**TABLE DES MATIÈRES**

Applications for leave to appeal filed	180 - 181	Demandes d'autorisation d'appel déposées
Applications for leave submitted to Court since last issue	182	Demandes soumises à la Cour depuis la dernière parution
Motions	183 - 186	Requêtes
Notices of discontinuance filed since last issue	187	Avis de désistement déposés depuis la dernière parution

**APPLICATIONS FOR LEAVE TO
APPEAL FILED**

Robert-Victor-MacPherson: Kennedy
Robert-Victor-MacPherson: Kennedy

v. (31229)

Her Majesty the Queen (B.C.)

Janna A. Hyman
A.G. of Canada

FILING DATE: 12.1.2006

Hy and Zel's Incorporated, et al.

Timothy S.B. Danson
Danson, Recht, Voudouris

v. (31287)

Her Majesty the Queen (Ont.)

Eric H. Siebenmorgen
A.G. of Ontario

FILING DATE: 13.1.2006

Guy Smith

Guy Smith

c. (31285)

Bombardier Inc. (Qc)

Marie Pedneault
Bombardier Inc.

DATE DE PRODUCTION: 17.1.2006

Mervyn Brown

Mervyn Brown

v. (31292)

Farmers Insurance Company of Oregon (B.C.)

Jennifer Harry
Fasken, Martineau, DuMoulin

FILING DATE: 16.1.2006

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

Marc-Yvain Giroux, et autre

Ronald F. Caza
Heenan, Blaikie

c. (31284)

**Sa Majesté en chef de l'Ontario représentée par
le ministre des services aux consommateurs et
aux entreprises et par le ministre des affaires
municipales et du logement, et autre (Ont.)**

Shawn Nakatsuru
P.G. de l'Ontario

DATE DE PRODUCTION: 16.1.2006

Caedmon Nash

Clifford L. Rand
Stikeman Elliott

v. (31291)

Her Majesty the Queen (F.C.)

Arnold H. Bornstein
A.G. of Canada

FILING DATE: 19.1.2006

Barbara Quinn

Clifford L. Rand
Stikeman Elliott

v. (31290)

Her Majesty the Queen (F.C.)

Arnold H. Bornstein
A.G. of Canada

FILING DATE: 19.1.2006

Susan Tolley

Clifford L. Rand
Stikeman, Elliott

v. (31289)

Her Majesty the Queen (F.C.)

Arnold H. Bornstein
A.G. of Canada

FILING DATE: 19.1.2006

Frank Klotz

Douglas H. Mathew
Thorsteinssons

v. (30981)

Her Majesty the Queen (F.C.)

Arnold H. Bornstein
A.G. of Canada

FILING DATE: 19.1.2006

**Ruth Gregoire on behalf of her son James Victor
Goodwin, deceased**

David W. Mossop, Q.C.
Community Legal Assistance Society

v. (31288)

**Her Majesty the Queen in Right of the Province of
British Columbia, et al. (B.C.)**

Leah Greathead
A.G. of British Columbia

FILING DATE: 19.1.2006

**Metropolitan Toronto Condominium
Corporation No. 949**

Mark H. Arnold
Gardiner, Miller, Arnold

v. (31293)

Nancy Staib (Ont.)

Benjamin J. Rutherford
Elia Associates

FILING DATE: 23.1.2006

Vancouver Island Entertainment Inc.

Patrick G. Guy
Patrick G. Guy, Law Corporation

v. (31294)

Rotherham Holdings Ltd., et al. (B.C.)

Christian Petersen
Bull Housser & Tupper

FILING DATE: 23.1.2006

Patrick Prentice

Jacques Ferron

c. (31295)

Sa Majesté la Reine (C.F.)

Raymond Piché
P.G. du Canada

DATE DE PRODUCTION: 23.1.2006

JANUARY 30, 2006 / LE 30 JANVIER 2006

**CORAM: Chief Justice McLachlin and Binnie and Charron JJ.
La juge en chef McLachlin et les juges Binnie et Charron**

1. *Her Majesty the Queen v. K.R.T.* (Man.) (Criminal) (By Leave) (31123)
2. *Paul Andrew Jones v. Her Majesty the Queen* (Alta.) (Criminal) (By Leave) (31243)
3. *Workers' Compensation Board of British Columbia, et al. v. Allen Jones* (B.C.) (Civil) (By Leave) (31179)
4. *Association des policiers provinciaux du Québec c. François Hamelin, en sa qualité d'arbitre de grief, et autre* (Qc) (Civile) (Autorisation) (31150)
5. *Ekran Ates v. Minister of Citizenship and Immigration* (F.C.) (Civil) (By Leave) (31246)

**CORAM: Bastarache, LeBel and Deschamps
Les juges Bastarache, LeBel et Deschamps**

6. *Dennis Peterson v. Her Majesty the Queen* (Ont.) (Criminal) (By Leave) (31205)
7. *Jacques Owen Labonté c. Procureur général du Québec (pour le ministre de l'Emploi, de la Solidarité sociale et de la Famille)* (Qc) (Civile) (Autorisation) (31173)
8. *Rénald Savard, et al. c. 2329-1297 Québec Inc., et al.* (Qc) (Civile) (Autorisation) (31156)
9. *National Money Mart Company v. Margaret Smith* (Ont.) (Civil) (By Leave) (31233)
10. *Gilles Lamontagne c. Pierre L'Écuyer* (Qc) (Civile) (Autorisation) (31211)

**CORAM: Deschamps, Fish and Abella JJ.
Les juges Deschamps, Fish et Abella**

11. *Jaglal Roshan Seepersad v. Her Majesty the Queen* (Ont.) (Criminal) (By Leave) (30949)
 12. *Branko Markovic v. Her Majesty the Queen* (Ont.) (Criminal) (By Leave) (31237)
 13. *Linda Euteneier v. Christopher Lee, et al.* (Ont.) (Civil) (By Leave) (31215)
 14. *Christopher Losenno v. Ontario Human Rights Commission* (Ont.) (Civil) (By Leave) (31241)
 15. *Hélène Sénéchal c. Alliance des infirmières de Montréal, et autres* (Qc) (Civile) (Autorisation) (31201)
 16. *Sheridan Gardner v. Attorney General of Canada* (F.C.) (Civil) (By Leave) (31187)
-

19.1.2006

Before / Devant: THE REGISTRAR

Miscellaneous motion

Autre requête

Stephen John Trochym

v. (30717)

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

GRANTED IN PART / ACCORDÉE EN PARTIE

UPON APPLICATION by the appellant for an order accepting a lengthier factum, and to extend time to serve and file the said factum to one week of determination of this motion and for a further order permitting the filing of five volumes of the Appellant' Extracts from the Trial Record;

AND THE MATERIAL having been filed;

IT IS HEREBY ORDERED THAT:

- 1) The motion is granted in part.
- 2) The appellant shall be permitted to serve and file a factum not exceeding 50 pages in length and a 10-page Appendix, no later than January 27, 2006.
- 3) The appellant shall be permitted to file 12 copies of five volumes of Extracts from the Trial Record. If requested by the respondent, the appellant shall serve a copy of these volumes of Extracts or a copy of the table of content of each volume, as the case may be.

AND IT IS FURTHER ORDERED THAT:

- 1) The respondent shall be permitted to serve and file a factum not exceeding 50 pages in length.

24.1.2006

Before / Devant: THE REGISTRAR

Motion to accept the application for leave to appeal as filed

Requête visant l'acceptation de la demande d'autorisation d'appel telle que déposée

D. Hembruff, et al.

v. (31265)

Ontario Municipal Employees Retirement Services Board (Ont.)

GRANTED / ACCORDÉE The motion dispensing with compliance of the Rules so that the application for leave to appeal be accepted as filed is granted.

24.1.2006

Before / Devant: THE REGISTRAR

Motion for directions fixing the dates for filing documents

Demande d'instructions fixant la date du dépôt de certains documents

The Attorney General of Canada, et al.

v. (30755)

George Hislop, et al. (Ont.)

- AND -

George Hislop, et al.

v. (30755)

The Attorney General of Canada, et al. (Ont.)

GRANTED / ACCORDÉE

THIS MOTION, made jointly by the Attorney General of Canada and George Hislop *et al.* ("Hislop") for an Order formalizing the parties' request to comply with the Supreme Court Rules, *mutatis mutandis* with one modification, as if the two appeals in this matter were an appeal and cross-appeal, for the purpose of remaining filing requirements and deadlines, was heard on this day.

ON READING the parties' Notice of Motion for Directions and the Affidavit of Natalie Henein, sworn January 9, 2006,

THIS COURT ORDERS that the remaining steps in this matter proceed according to the *Rules of the Supreme Court of Canada* for an Appeal and Cross-appeal, *mutatis mutandis*, except where otherwise provided below.

THIS COURT ORDERS that the Attorney General of Canada shall comply with the Rules for an Appellant in an Appeal and Cross-Appeal and Hislop *et al.* shall comply with the Rules for a Cross-Appellant for the preparation and filing of the remaining materials, and specifically:

The Appellant, Hislop's Respondents' Record (if any) is due on January 18, 2006.

Hislop will file a single factum due on February 15, 2006, containing his Response Factum to the Attorney General's Appeal Factum and his Appeal Factum pursuant to Rule 43(1) of the *Rules of the Supreme Court of Canada*.

Hislop's Book of Authorities is due on February 15, 2006.

The Attorney General of Canada's Response to Hislop's Appeal Factum is due on March 15, 2006.

THIS COURT ORDERS that there are no costs that arise from this joint Motion for Directions.

25.1.2006

Before / Devant: THE REGISTRAR

Motion to extend the time in which to serve and file the intervener's response to the motion for a stay

Requête en prorogation du délai de signification et de dépôt de la réponse de l'intervenant pour la requête en sursis

Genex Communications Inc.

v. (31192)

Attorney General of Canada (F.C.)

GRANTED / ACCORDÉE Time extended to January 17, 2006.

26.1.2006

Before / Devant: THE REGISTRAR

Motion to extend the time to serve the Respondent's response and for substitutional service

Requête en prorogation du délai de dépôt de la réponse de l'intimé et en vue de recourir à un mode de signification différent

Martha Coady

v. (31222)

Brian Boyle (Ont.)

DISMISSED / REJETÉE

ON THE APPLICATION by counsel on behalf of the Respondent for an Order extending the time in which the Respondent may serve its Respondent's Response to the Applicant's Motion to Extend Time for an Application for Leave to Appeal the Judgment of the Ontario Court of Appeal to a date to be specified by the Registrar and to serve said document by way of substitutional service at P. O. Box 6, Arnprior, Ontario K7S 3H2. As well as an Order allowing service of any subsequent document to the same P.O. Box number and an Order for costs for this motion on a substantial indemnity basis.

1. **IT IS ORDERED THAT** the time to serve the Respondent's Response to the Applicant's Motion to Extend Time for an Application for Leave to Appeal the Judgment of the Ontario Court of Appeal is extended to February 10, 2006, as specified by the Registrar.
2. **IT IS ORDERED THAT** the Respondent's Response to the Applicant's Motion to Extend Time for an Application for Leave to Appeal the Judgment of the Ontario Court of Appeal may be served upon Mary Martha Coady at P.O. Box 6 Arnprior, Ontario K7S 3H2.
3. **IT IS ORDERED THAT** any and all subsequent documents or pleadings in this appeal may be served on Mary Martha Coady at P.O. Box 6 Arnprior, ON K7S 3H2.
4. **IT IS ORDERED THAT** there shall be order as to costs.
5. **IT IS FURTHER ORDERED THAT** the cross-motion of the applicant is dismissed.

27.1.2006

Before / Devant: THE REGISTRAR

Motions to extend the time in which to serve and file the applicant's reply to January 12, 2006 and to extend the time in which to serve and file a lengthy respondent's response of 26 pages to December 23, 2005

Requêtes en prorogation du délai de signification et de dépôt de la réplique du demandeur au 12 janvier 2006 et en prorogation du délai de signification et de dépôt par l'intimé d'une réponse volumineuse de 26 pages au 23 décembre 2005

Cherrylle Margaret Dell

v. (31213)

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

GRANTED / ACCORDÉES

20.1.2006

Peter Laurence Dueck

v. (31242)

Her Majesty the Queen (B.C.)

- AND -

Leah Merie Bushman

v. (31242)

Her Majesty the Queen (B.C.)

(Leave)

SUPREME COURT OF CANADA SCHEDULE
CALENDRIER DE LA COUR SUPREME

- 2005 -

OCTOBER - OCTOBRE						
S D	M L	T M	W M	T J	F V	S S
						1
2	3	4	5	6	7	8
9	H 10	M 11				15
16						22
23 30	24 31					29

NOVEMBER - NOVEMBRE						
S D	M L	T M	W M	T J	F V	S S
		1	2	3	4	5
6	M 7				H 11	12
13						19
20						26
27						

DECEMBER - DECEMBRE						
S D	M L	T M	W M	T J	F V	S S
				1	2	3
4	M 5					10
11						17
18						24
25	H 26	H 27				31

- 2006 -

JANUARY - JANVIER						
S D	M L	T M	W M	T J	F V	S S
1	H 2					7
8	M 9					14
15						21
22						28
29	30	31				

FEBRUARY - FÉVRIER						
S D	M L	T M	W M	T J	F V	S S
			1	2	3	4
5	M 6					11
12						18
19						25
26						

MARCH - MARS						
S D	M L	T M	W M	T J	F V	S S
			1	2	3	4
5						11
12	M 13					18
19						25
26						

APRIL - AVRIL						
S D	M L	T M	W M	T J	F V	S S
						1
2	3	4	5	6	7	8
9	M 10				H 14	15
16	H 17					22
23						29
30						

MAY - MAI						
S D	M L	T M	W M	T J	F V	S S
	1	2	3	4	5	6
7	M 8					13
14						20
21	H 22					27
28						

JUNE - JUIN						
S D	M L	T M	W M	T J	F V	S S
				1	2	3
4	5	6	7	8	9	10
11	M 12					17
18						24
25						

Sittings of the court:
Séances de la cour:

Motions:
Requêtes:

Holidays:
Jours fériés:

18
9
5

18 sitting weeks/semaines séances de la cour
86 sitting days/journées séances de la cour
9 motion and conference days/ journées requêtes.conférences
5 holidays during sitting days/ jours fériés durant les sessions