

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

Propak Systems Ltd., et al.

Dennis A. McDermott, Q.C.
McDermott & Company

v. (28708)

**Amoco Canada Petroleum Company Ltd., et al.
(Alta.)**

James S. Peacock
Gowling Henderson Lafleur

FILING DATE 3.8.2001

Pierino Divito, et al.

Franco B. Iezzoni
Pateras & Iezzoni

c. (28714)

Les États-Unis d'Amérique (Qué.)

André A. Morin
Procureur général du Canada

DATE DE PRODUCTION 3.8.2001

Christopher Degeer

Nigel Campbell
Blake, Cassels & Graydon

v. (28730)

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

John R. Shipley
A.G. of Canada

FILING DATE 8.8.2001

Pauline Vrhounik

Ronald G. Chapman

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Dravidian Management Limited (Ont.)

Donald E. Short
Fasken Martineau DuMoulin

FILING DATE 13.8.2001

Taiwo Adun

Steven Greenberg

v. (28735)

Her Majesty the Queen (Ont.)

Scott C. Hutchison
A.G. for Ontario

FILING DATE 13.8.2001

Brian Thomas Pratt

F.G. Vaughn Marshall

v. (28732)

**The Board of Governors of the University of
Lethbridge, et al. (Alta.)**

Robert W. Thompson
Bennett Jones

FILING DATE 14.8.2001

**George Manship, of 205 St. George St., Moncton,
New Brunswick, acting in his own right and under
the business name and style of Gentleman's
Massage Club, et al.**

Eugene J. Mockler, Q.C.
Mockler Peters Oley Rouse & Williams

v. (28733)

**The City of Fredericton, a municipal corporation
(N.B.)**

Bruce A. Noble
City of Fredericton

FILING DATE 14.8.2001

Terry Paul Bigcharles

Nathan H. Smith, Q.C.

v. (28736)

Doctor Alan John Lomax, et al. (B.C.)

Paul T. McGivern
Harper Grey Easton

FILING DATE 14.8.2001

Zellers Inc.

Théodore Goloff
Robinson Sheppard Shapiro

c. (28738)

François Hamelin, et al. (Qué.)

François Hamelin

DATE DE PRODUCTION 15.8.2001

Abdel Moneim Mousa, et al.

Abdel Moneim Mousa

v. (28746)

City of Coquitlam (B.C.)

Daniel R. Bennett
Bull, Housser & Tupper

FILING DATE 15.8.2001

Susan A. Armstrong

Susan A. Armstrong

v. (28747)

London Life Insurance Company, et al. (Ont.)

Paul G. Vogel
Cohen Highley Vogel & Dawson

FILING DATE 15.8.2001

Claude John, et al.

Barbara L. Legate
Legate & Associates

v. (28739)

Shawn Flynn, et al. (Ont.)

Mark S. Wilson
Lilly Anderson Morgan

FILING DATE 16.8.2001

Annie Chélin

Jean Pomminville
Lavery, de Billy

c. (28731)

**Me Guy E. Dulude, ès qualités d'arbitre de grief,
et al. (Qué.)**

Guy E. Dulude

DATE DE PRODUCTION 17.8.2001

Susan Krock

G. Brent Gawne

v. (28740)

The Attorney General of Canada (F.C.)

Terry Beaudoin
A.G. of Alberta

FILING DATE 17.8.2001

Downtown Eatery (1993) Ltd., et al.

Mark D. Contini
Mathews, Dinsdale & Clark

v. (28744)

Joseph Alouche (Ont.)

J. Gardner Hodder
Polten Hodder

FILING DATE 20.8.2001

AUGUST 27, 2001 / LE 27 AOÛT 2001

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

Procureur général du Québec

c. (28556)

Jimmy Delage (Crim.)(Qué.)

NATURE DE LA CAUSE

Droit criminel - Infractions - Interprétation - Article 85(2) du *Code criminel*, L.R.C. 1985, ch. C-46 - Usage d'une fausse arme à feu lors de la perpétration d'une infraction - Détermination de la peine - La Cour d'appel a-t-elle erré dans son interprétation de l'expression «fausse arme à feu» utilisée à l'art. 85(2) du *Code criminel* - En cas de réponse affirmative, la Cour d'appel a-t-elle erré en modifiant la sentence prononcée par le juge de première instance?

HISTORIQUE PROCÉDURAL

Le 11 février 1998
Cour supérieure du Québec
(Desjardins j.c.s.)

Intimé déclaré coupable par un jury de vol qualifié avec violence ou menace de violence contrairement aux art. 343a) et 344b) du *Code criminel*, de vol qualifié avec une arme ou imitation d'une arme contrairement aux art. 343d), 344b) et 21 du *Code criminel*, et de utilisation d'une fausse arme à feu lors de la perpétration d'un vol qualifié contrairement à l'art. 85(2) du *Code criminel*; intimé condamné à une peine de 12 ans sur le 1er chef et 3 ans consécutifs quant au 3e chef; arrêt de procédures prononcé sur le 2e chef

Le 8 février 2001
Cour d'appel du Québec
(Brossard, Pelletier, et Letarte [*ad hoc*] jj.c.a.)

Appels du verdict de culpabilité et de la peine accueillis en partie; verdict de culpabilité sur le 3e chef cassé et arrêt des procédures prononcé; arrêt de procédures prononcé quant au 2e chef annulé; peine de 8 ans d'emprisonnement substituée quant 1er chef et peine de trois ans concurrente imposée quant au 2e chef

Le 7 mai 2001
Cour suprême du Canada

Demandes d'autorisation d'appel et demande en prorogation de délai déposées

Léo Doyon

c. (28569)

Fédération des producteurs acéricoles du Québec et Regroupement pour la commercialisation des produits de l'érable du Québec Inc. (Qué.)

NATURE DE LA CAUSE

Charte canadienne des droits et libertés - Charte des droits et libertés de la personne, articles 6 et 23 - Droit commercial - Créancier et débiteur - Dommages-intérêts - Recours - La Cour d'appel a-t-elle erré en ne respectant pas le principe de la primauté du droit? - La Cour d'appel a-t-elle erré en ignorant les principaux arguments du demandeur? - La Cour d'appel a-t-elle erré en ne respectant pas le droit des producteurs acéricoles? - La Cour d'appel a-t-elle erré en ignorant le fait que les membres du groupe étaient propriétaires de l'inventaire du sirop d'érable? - La Cour d'appel a-t-elle erré en substituant son appréciation des faits à celle du juge de première instance?

HISTORIQUE PROCÉDURAL

Le 24 janvier 2000
Cour supérieure du Québec
(Martin j.c.s.)

Recours collectif du demandeur accueilli: intimés condamnés à payer 7 946 088,17 \$ avec intérêts et indemnité additionnelle

Le 6 mars 2001
Cour d'appel du Québec
(Gendreau, Brossard et Rousseau-Houle jj.c.a.)

Appel accueilli: action du demandeur rejetée

Le 27 avril 2001
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Francine Mayville et als

c. (28509)

L'union canadienne des travailleurs en communications (unité 4) et Guisepe Giarrusso

et

Nortel (Northern Télécom Canada Ltée) et Nordx/Cable Design Technologies (CDT) (Qué.)

NATURE DE LA CAUSE

Procédure — Requête en exception déclinatoire *ratione materiae* — *Code de procédure civile du Québec*, L.R.Q., ch. C-25, art. 163 et 164 — La Cour d'appel a-t-elle erré en concluant que la Cour supérieure était sans compétence *ratione materiae* pour décider l'action des demandeurs?

HISTORIQUE PROCÉDURAL

Le 26 janvier 2000
Cour supérieure du Québec
(Viau, j.c.s.)

Requête des intimés en exception déclinatoire *ratione materiae* rejetée

Le 12 février 2001
Cour d'appel du Québec
(Vallerand, Delisle et Nuss, jj.c.a.)

Appel accueilli ; requête en exception déclinatoire accueillie ; action des demandeurs contre les intimés rejetée

Le 12 avril 2001
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Francine Mayville et als

c. (28511)

Nortel (Northern Télécom Canada Ltée)

- et -

**L'Union canadienne des travailleurs en communications (unité 4),
Giuseppe Giarrusso et
Nordx/Cable Design Technologies (CDT) (Qué.)**

NATURE DE LA CAUSE

Procédure — Requête en exception déclinatoire *ratione materiae* — *Code de procédure civile du Québec*, L.R.Q., ch. C-25, art. 164 — La Cour d'appel a-t-elle erré en concluant que la Cour supérieure était sans compétence *ratione materiae* pour décider l'action des demandeurs?

HISTORIQUE PROCÉDURAL

Le 26 janvier 2000
Cour supérieure du Québec
(Viau, j.c.s.)

Requête de l'intimée en exception déclinatoire *ratione materiae* rejetée

Le 12 février 2001
Cour d'appel du Québec
(Vallerand, Delisle et Nuss, jj.c.a.)

Pourvoi accueilli ; requête en exception déclinatoire accueillie ; action des demandeurs rejetée

Le 12 avril 2001
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Kailash Chandra Dhawan

v. (28581)

Patrick Kenniff (Que.)

NATURE OF THE CASE

Civil Code - Extra-contractual liability - Defamation - Right to reputation - Whether the Court of Appeal manifestly erred in its application of the defence of "fair comment"?

PROCEDURAL HISTORY

October 20, 1997 Superior Court of Quebec (Reeves J.)	Applicant's action in defamation dismissed
February 19, 2001 Court of Appeal of Québec (Gendreau, Dussault et Deschamps JJ.A.)	Appeal dismissed
April 20, 2001 Supreme Court of Canada	Application for leave to appeal filed

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

Communauté urbaine de Montréal

c. (28531)

**Les Immeubles Yale Ltée et
Les Placements Carlow Inc.**

- et -

**Ville de Kirkland et
Bureau de Révision de l'évaluation foncière du Québec (Qué.)**

NATURE DE LA CAUSE

Droit municipal — Fiscalité municipale — Évaluation foncière — *Loi sur la fiscalité municipale*, L.R.Q., ch. F-2.1, art. 43 — La Cour d'appel a-t-elle erré en concluant que la décision du Bureau de révision de l'évaluation foncière (le « BREF ») était déraisonnable et en refusant de la rétablir? — La Cour d'appel a-t-elle erré en élargissant le champ d'application de la présomption de valeur nominale aux terrains qui sont inconstructibles à cause de leurs seules caractéristiques physiques plutôt qu'en raison de la nature du zonage qui leur est applicable? — La Cour d'appel a-t-elle erré en affirmant qu'une valeur basée sur le principe d'anticipation dans le contexte de la *Loi sur la fiscalité municipale* s'oppose au concept de valeur réelle prévalant au moment de l'évaluation prévu par les articles 42 à 46 de la *Loi*? — La Cour d'appel a-t-elle erré en affirmant que la détermination des valeurs par le BREF ne reposait sur aucune preuve et débordait la connaissance d'office ou la discrétion du BREF?

HISTORIQUE PROCÉDURAL

Le 28 août 1997 Cour du Québec (Gagnon j.c.q.)	Appel de l'intimée « Les Immeubles Yale Ltée » de la décision du Bureau de révision de l'évaluation foncière accueilli ; valeur des deux unités d'évaluation réduite à une valeur nominale (1\$)
Le 1 ^{er} février 2001 Cour d'appel du Québec (Proulx, Dussault et Deschamps, jj.c.a.)	Pourvoi rejeté

Le 2 avril 2001
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Ville de Kirkland

c. (28491)

**Les Immeubles Yale Ltée et
Les Placements Carlow Inc.**

- et -

**Communauté urbaine de Montréal et
Bureau de révision de l'évaluation foncière du Québec (Qué.)**

NATURE DE LA CAUSE

Droit municipal — Fiscalité municipale — Évaluation foncière — *Loi sur la fiscalité municipale*, L.R.Q., ch. F-2.1, art. 43 — La Cour d'appel a-t-elle erré en confirmant le jugement de la Cour du Québec cassant la décision du Bureau de révision de l'évaluation foncière (le « BREF »)? — La Cour d'appel a-t-elle erré en affirmant qu'une valeur basée sur le principe d'anticipation dans le contexte de la *Loi sur la fiscalité municipale* s'oppose au concept de valeur réelle prévalant au moment de l'évaluation prévu par les articles 42 à 46 de la *Loi*? — La Cour d'appel a-t-elle erré en affirmant que la détermination des valeurs par le BREF ne reposait sur aucune preuve et débordait la connaissance d'office ou la discrétion du BREF? — La Cour d'appel a-t-elle erré en élargissant le champ d'application de la présomption de valeur nominale à des terrains dont le zonage ne peut être assimilé à une expropriation déguisée? — La Cour d'appel a-t-elle erré en exigeant une preuve de marché pour renverser cette présomption?

HISTORIQUE PROCÉDURAL

Le 28 août 1997
Cour du Québec
(Gagnon, j.c.q.)

Appel de l'intimée « Les Immeubles Yale Ltée » de la décision du Bureau de révision de l'évaluation foncière accueilli ; valeur des deux unités d'évaluation réduite à une valeur nominale (1\$)

Le 1^{er} février 2001
Cour d'appel du Québec
(Proulx, Dussault et Deschamps, jj.c.a.)

Pourvoi rejeté

Le 2 avril 2001
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Sébastien Brousseau

v. (28479)

Barreau du Québec and Professions Tribunal (Que.)

NATURE OF THE CASE

Administrative Law - Appeal - Judicial Review - Whether the Court of Appeal erred in giving a narrow interpretation to the jurisdiction of the Professions Tribunal and restricting its revisions to unreasonable error - Whether the decision of the Professions Tribunal was in any event, manifestly unreasonable - Whether the result of the Bar and Court of Appeal's decision is manifestly unreasonable in that it is incompatible with the fundamental values of rehabilitation, compassion and equality in our society.

PROCEDURAL HISTORY

June 15, 1999 Superior Court of Québec (Grenier J.)	Respondent's (Barreau du Québec) motion for judicial review of the Professions Tribunal's decision declaring the Applicant admissible to the École du Barreau for the 1997-1998 academic year, dismissed
February 1, 2001 Court of Appeal for Québec (Dussault, Nuss and Forget JJ.A.)	Appeal allowed; Motion for judicial review granted; Professions Tribunal's decision set aside; Applicant declared inadmissible to the École du Barreau for the academic year 1997-1998
March 22, 2001 Court of Appeal for Québec (Robert J.A.)	Applicant's motion to suspend the execution of the February 1, 2001 judgment allowed in part; Applicant's swearing in denied
March 28, 2001 Supreme Court of Canada	Application for leave to appeal filed

Floyd Creatchman

c. (28537)

Consolidated Life Insurance Company Ltd. (Qué.)

NATURE DE LA CAUSE

Droit commercial - Assurance - Assurance collective - Exclusion - La Cour d'appel du Québec a-t-elle erré en déclarant opposable à l'adhérent à une police d'assurance collective, une exclusion qui n'a jamais été portée à sa connaissance, exclusion contenue dans un document externe à la demande d'adhésion de l'adhérent?

HISTORIQUE PROCÉDURAL

Le 3 avril 1997 Cour supérieure du Québec (Côté j.c.s.)	Action du demandeur en réclamation du bénéfice d'une police d'assurance rejetée
Le 22 février 2001 Cour d'appel du Québec (Mailhot, Deschamps et Pidgeon jj.c.a.)	Appel rejeté
Le 20 avril 2001 Cour suprême du Canada	Demande d'autorisation d'appel déposée

Les Laboratoires Bio-Recherches Ltée

v. (28507)

Technilab Inc. (Que.)

NATURE OF THE CASE

Commercial law – Contracts – Breach of contract – Damages – *Civil Code of Lower Canada*, ss. 1073 and 1075 – Did the trial judge and the Court of Appeal err in their assessments of damages for breach of contract?

PROCEDURAL HISTORY

February 11, 1997 Superior Court (Nolin J.)	Respondent's action for damages for breach of contract granted: Applicant ordered to pay Respondent \$803,743 plus interest and additional indemnity
February 16, 2001 Court of Appeal (Gendreau, Fish and Robert JJ.A.)	Appeal allowed in part: damages reduced by \$54,045
April 17, 2001 Supreme Court of Canada	Application for leave to appeal filed

Compagnie d'assurance continental du Canada

c. (28522)

Technilab Inc. et Les laboratoires Bio-recherches Ltée (Qué.)

NATURE DE LA CAUSE

Droit commercial — Assurance — Obligation de l'assuré de donner avis du sinistre — L'assurée est-elle en défaut de donner avis du sinistre? — *Code civil du Bas-Canada*, art. 2572 — La Cour d'appel a-t-elle erré en considérant qu'un avis donné quatre mois après la connaissance de l'omission reprochée n'était pas tardif? — L'assureur a-t-il subi un préjudice du fait de l'avis tardif puisque, lorsqu'il est intervenu au dossier, l'assurée avait déjà mené des négociations pendant plusieurs mois et avait même admis sa responsabilité? — En faisant obstruction à l'enquête de l'expert en sinistre de l'assureur, sous le couvert de motifs de confidentialité, l'assurée a-t-elle contrevenu à son obligation de collaboration?

HISTORIQUE PROCÉDURAL

Le 11 février 1997 Cour supérieure du Québec (Nolin, j.c.s.)	Action en garantie de l'intimée Les Laboratoires Bio-Recherche Ltée accueillie
Le 16 février 2001 Cour d'appel du Québec (Gendreau, Fish et Robert, jj.c.a.)	Appel rejeté

Le 12 avril 2001
Cour suprême du Canada

Demande d'autorisation d'appel déposée

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

Theresa Anne Glaremin

v. (28689)

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

NATURE OF THE CASE

Criminal law - Mental disorder - Non-mental disorder automatism - Dissociative identity disorder - Whether the trial judge erred in charging the jury on the defence or not criminally responsible.

PROCEDURAL HISTORY

April 3, 1998
Ontario Court of Justice (General Division)
(Cunningham J.)

Conviction: second degree murder
Sentence: life imprisonment with parole ineligibility of 20
years

December 6, 2000
Court of Appeal for Ontario
(Labrosse, Weiler and Feldman JJ.A.)

Appeals against conviction and sentence dismissed

July 10, 2001
Supreme Court of Canada

Application for leave to appeal and motion to extend time
filed

Stegor Consultants (1988) Limited, Donald J. Stelliga, Gary R. Hedges, Hillar Kassfeldt and Peter Fordham

v. (28578)

Jeff Sproat and Peat Marwick Thorne (Ont.)

NATURE OF THE CASE

Commercial Law - Accounting - Fiduciary duty - Whether an accountant retained to advise both the vendor and purchaser of a business, owes a fiduciary duty to, and must always act in the best interests of both parties - Whether an accountant requires the informed consent of both parties adverse in interest before being engaged by such parties - Whether there is a clear obligation on an accountant to disclose known material facts to one client which may be contrary to the interest of the other client once a retainer is entered into - Whether the Ontario Court of Appeal properly reversed the trial judge's findings which were supported by the evidence.

PROCEDURAL HISTORY

January 17, 2000

Applicants' action for damages for breach of fiduciary

Superior Court of Justice
(Sills J.)

relationship by the Respondents granted

February 9, 2001
Court of Appeal for Ontario
(Abella, Borins and Sharpe JJ.A.)

Respondents' appeal allowed: trial judgment set aside,
action dismissed

May 1, 2001
Supreme Court of Canada

Application for leave to appeal and extension of time filed

Ann Justice

v. (28655)

The Government of Manitoba (Man.)

NATURE OF THE CASE

Torts - Damages - Vicarious liability - Sexual abuse - Repressed memory - Action against the Government of Manitoba for its potentially vicarious liability as employer of social worker allowed to proceed pursuant to Part II of *The Limitation of Actions Act*, R.S.M. 1987, c. L150 - Whether where a sexually abused child as an adult gives truthful evidence with respect to sexual abuse which had been repressed in her memory and there is sufficient confirmation which was not adverted to by the trial judge, a decision reversing the trial judge on this ground should not be permitted by the Supreme Court of Canada to deprive the plaintiff of her remedy and damages.

PROCEDURAL HISTORY

April 22, 1999
Court of Queen's Bench of Manitoba
(Monnin J.)

Applicant's action for damages against the Respondent and William Doucet granted; liability for general damages of \$75,000.00 and special damages of \$41,862.00 apportioned 25% against Respondent and 75% against William Doucet

April 18, 2001
Court of Appeal of Manitoba
(Twaddle, Helper and Kroft JJ.A.)

Appeal allowed; cross-appeal dismissed

June 13, 2001
Supreme Court of Canada

Application for leave to appeal filed

Walter Gordon McOuat

v. (28519)

The Law Society of British Columbia (B.C.)

NATURE OF THE CASE

Administrative law - Appeal - Barristers and solicitors - Reinstatement hearing - Decision from panel of Benchers of Law Society of B.C. to deny application for reinstatement upheld by Court of Appeal - Whether a reasonable apprehension of

bias exists on the part of the Court of Appeal as one justice of the Appeal Court is a Life Bencher of the Law Society of B.C. and another justice was a Bencher when applicant was disbarred? - Whether there is a reasonable apprehension of bias on the part of the hearing panel of the Law Society of B.C. due to a lack of impartiality as panel members are all Benchers and members of the respondent, Law Society of B.C.? - Whether the Court of Appeal erred in failing to find the hearing panel was inexorable in its position denying the reinstatement of the applicant and that the hearing panel decision was not reasonable? - Whether the decision of the Court of Appeal is inequitable and unfair? -- *Legal Profession Act*, S.B.C. 1998, c. 9, s.19(1).

PROCEDURAL HISTORY

January 21, 1999 Hearing Panel of Benchers of Law Society of British Columbia (Panel: Keighley, Ramsey and Martin)	Application for reinstatement denied
February 12, 2001 Court of Appeal for British Columbia (Southin, Rowles and Low JJ.A.)	Appeal from the decision of a panel of the Law Society of British Columbia, rejecting the Applicant's application for reinstatement to the bar, dismissed; appeal from costs dismissed.
April 12, 2001 Supreme Court of Canada	Application for leave to appeal filed

2774880 Manitoba Ltd.

v. (28631)

Superior Management Ltd. and The Manufacturers Life Insurance Company (Man.)

NATURE OF THE CASE

Property law - Real property - Leases - Mortgages - Whether an assignment given by a tenant of its entire right, title and interest in a lease of property owned by a third party to a mortgagee as security for a loan transfers the benefit and burden of the lease so as to bind the mortgagee to the covenant to pay rent - Whether a mortgagee in possession takes the obligations of the mortgagor's lease of property taken as security for the mortgage - If so, what are the rights and obligations of a mortgagee in possession in relation to third party contracts of the mortgagor - Whether an agreement to lease parking stalls becomes a mere licence if the tenant fails to designate or use designated stalls - If so, can the tenant or its assignee assert that the description of the demised premises in the lease is uncertain when it seeks to avoid its obligations under the lease for unrelated reasons?

PROCEDURAL HISTORY

October 7, 1999 Court of Queen's Bench of Manitoba (DeGraves J.)	Applicant's claim for rental arrears granted
September 12, 2000 Court of Appeal of Manitoba (Scott C.J.M., Twaddle and Monnin JJ.A.)	Respondent's appeal allowed
April 3, 2001 Court of Appeal of Manitoba	Applicant's motion for reconsideration dismissed

(Scott C.J.M., Twaddle and Monnin JJ.A.)

June 4, 2001
Supreme Court of Canada

Application for leave to appeal filed

**JUDGMENTS ON APPLICATIONS
FOR LEAVE**

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

AUGUST 30, 2001 / LE 30 AOÛT 2001

28406 **Saskatchewan Indian Gaming Authority Inc. - v. - National Automobile, Aerospace, Transportation and General Workers' Union of Canada (CAW - Canada), Saskatchewan Labour Relations Board and Attorney General for Saskatchewan** (Sask.) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Labour law - Labour relations - Unions - Certification - Native law - Indians - Respondent Union certified as exclusive bargaining agent for certain employees of Applicant's casino pursuant to *The Trade Union Act*, R.S.S. 1978, c. T-17 - Whether operation of casinos by Applicant can be characterized as a "federal work, undertaking or business" within meaning of *Canada Labour Code*, R.S.C. 1985, c. L-2 - Whether Applicant and employment matters forming integral part of its operations fall within s. 91(24) of *Constitution Act, 1867* - Test for determining what constitutes "Indianness".

PROCEDURAL HISTORY

November 30, 1999
Saskatchewan Labour Relations Board
Gray (Chair), Bell and Todd

Respondent Union certified as exclusive bargaining agent for certain employees of one of Applicant's casinos

April 20, 2000
Court of Queen's Bench of Saskatchewan
(Smith J.)

Application for order quashing decision of Board dismissed

December 5, 2000
Court of Appeal for Saskatchewan
(Cameron, Gerwing and Lane JJ.A.)

Appeal dismissed

February 5, 2001
Supreme Court of Canada

Application for leave to appeal filed

28624 **Werner August Frebold - v. - Her Majesty the Queen** (B.C.) (Crim.)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Criminal law - Procedural law - Juries - Jury secrecy - Mistrial - Whether the Court of Appeal erred in holding that the common law rule of juror secrecy extends to communications between the trial judge and the juror after verdict but before sentencing - Whether the Court of Appeal erred in holding that the common law rule of juror secrecy extends to prohibit juror communications being used as the basis of a mistrial application

PROCEDURAL HISTORY

October 26, 1998 Supreme Court of British Columbia Hutchison J.	Conviction: Fraud, forgery
March 21, 2001 Court of Appeal for British Columbia Lambert, Ryan, Donald JJ.A	Appeal dismissed
May 17, 2001 Supreme Court of Canada	Application for leave to appeal filed

28603 **Brian Dempsey - v. - Her Majesty the Queen** (Ont.) (Crim.)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

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

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

NATURE OF THE CASE

Criminal law - Consciousness of innocence - How should a trial judge instruct jurors on evidence of consciousness of innocence - Unreasonable verdict - Is there any obligation on an appellate court to give reasons for concluding that a verdict, which passes the "lurking doubt" threshold, is not unreasonable - Reasonable doubt - Is the traditional "timid juror" instruction appropriate in the post-*Lifchus* era

PROCEDURAL HISTORY

April 11, 1997 Ontario Court (General Division) (Ferguson J).	Conviction: manslaughter contrary to s. 232 of the <i>Criminal Code</i>
July 22, 1997 Ontario Court (General Division) (Ferguson J.)	Sentence: 8 years imprisonment
June 23, 2000 Court of Appeal for Ontario (Abella, Moldaver and Goudge JJ.A.)	Applicant's appeals against conviction and sentence dismissed
May 18, 2001 Supreme Court of Canada	Application for leave to appeal and motion for the extension of time filed

28535 **Walter Koszil - v. - Bank Canadian National** (B.C.) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache 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 - Courts - Interference with judgment on the same issue and involving same parties by a court of competent jurisdiction - Allegation that interference warranted by fresh evidence - Whether the Court of Appeal erred in not allowing the Applicant's new evidence to set aside the earlier judgment.

PROCEDURAL HISTORY

October 26, 1999 Supreme Court of British Columbia (Melvin J.)	Respondent's application for the dismissal of the Applicant's action granted
November 2, 2000 Court of Appeal (McEachern C.J.B.C., Finch and Mackenzie JJ.A.)	Appeal dismissed
April 6, 2001 Supreme Court of Canada	Application for leave to appeal filed
April 26, 2001 Supreme Court of Canada (LeBel J.)	Motion to extend time to file and serve leave application granted

28292 **Jeanette Dechant - v. - Zahra Coulter, Andrea Coulter, minor by her next friend Zahra Coulter, Ronald G. Stevens, Code Hunter Wittmann, a Partnership - and between - Jeanette Dechant - v. - Zahra Coulter and Andrea Coulter, minor by her next friend Zahra Coulter - and between - Jeanette Dechant - v. - Zahra Coulter** (Alta.) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The motions for extension of time and the motion to file a lengthy memorandum of argument are granted. The motions to adduce new evidence and the motion to expedite the application for leave to appeal are dismissed. The application for leave to appeal is dismissed with costs to all respondents.

Les requêtes en prorogation de délai et la requête pour déposer un mémoire volumineux sont accordées. Les requêtes pour déposer de nouveaux éléments de preuve et la requête pour hâter le traitement de la demande d'autorisation d'appel sont rejetées. La demande d'autorisation d'appel est rejetée avec dépens aux intimés.

NATURE OF THE CASE

Procedural law - Test for removal of counsel - Abuse of process - Whether interlocutory stay of an action available under Rule 129 of the *Alberta Rules of Court* and comparable legislation in other provinces - What is the applicable test and can a stay be granted absent any evidence? - Applicable test for an interlocutory stay of proceedings pursuant to Rule 229 of the *Alberta Rules of Court* and comparable legislation in other provinces and can such a stay be granted absent any evidence? - Role of case management judge.

PROCEDURAL HISTORY

December 23, 1999 Court of Queen's Bench of Alberta (Martin J.)	Order: Applicant's action stayed; Applicant's application to consolidate actions dismissed; Applicant's application for removal of Respondents' counsel dismissed
March 8, 2000 Court of Appeal of Alberta (Sulatycky J.C.Q.B.A.)	Stay of order of trial judge pending determination of appeal
November 6, 2000 Court of Appeal of Alberta (McClung, Costigan and Hart JJ.A.)	Appeal and cross-appeal dismissed
January 26, 2001 Supreme Court of Canada (Gonthier J.)	Motion for extension of time referred to panel seized of leave application
March 15, 2001 Supreme Court of Canada	Application for leave to appeal filed

28534

Her Majesty the Queen in Right of Ontario, The Attorney General of Canada, Her Majesty the Queen in the Right of the Province of Alberta, Her Majesty the Queen in the Right of the Province of Saskatchewan, Her Majesty the Queen in the Right of the Province of Manitoba, Her Majesty the Queen in the Right of the Province of New Brunswick, Her Majesty the Queen in the Right of the Province of Prince Edward Island, Her Majesty the Queen in the Right of the Province of Nova Scotia, Her Majesty the Queen in the Right of the Province of Newfoundland, The Government of the Northwest Territories, The Government of Nunavut and The Government of the Yukon Territory - v. - Sutts, Strosberg LLP - and between - Her Majesty the Queen in Right of Ontario, The Attorney General of Canada, Her Majesty the Queen in the Right of the Province of Alberta, Her Majesty the Queen in the Right of the Province of Saskatchewan, Her Majesty the Queen in the Right of the Province of Manitoba, Her Majesty the Queen in the Right of the Province of New Brunswick, Her Majesty the Queen in the Right of the Province of Prince Edward Island, Her Majesty the Queen in the Right of the Province of Nova Scotia, Her Majesty the Queen in the Right of the Province of Newfoundland, The Government of the Northwest Territories, The Government of Nunavut and The Government of the Yukon Territory - v. - Hodgson Tough Shields Desbrisay O'Donnell (Ont.) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache 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 - Standing - Class Proceeding - Counsel fees - Whether Court of Appeal erred in denying the Applicants standing to challenge the quantum of fees awarded to class counsel out of a fund in which the Applicants claim a contingent pecuniary interest - *Class Proceedings Act, 1992*, S.O. 1992, c. 6.

PROCEDURAL HISTORY

June 22, 2000 Superior Court of Justice (Winkler J.)	Motion for approval of counsel fees for class proceeding Settlement Agreement granted
January 26, 2001 Court of Appeal for Ontario (Morden, Moldaver and MacPherson JJ.A.)	Motion to quash appeals granted
March 23, 2001 Supreme Court of Canada	Application for leave to appeal filed
March 26, 2001 Supreme Court of Canada	Application for leave to appeal filed
March 26, 2001 Supreme Court of Canada	Application for leave to appeal filed

28498 **Lloyd Lewis McLean - v. - The Minister of Citizenship and Immigration** (F.C.) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Canadian Charter of Rights and Freedom - Immigration - Statutes - Interpretation - Whether the Applicant's case would involve a retroactive application of the *Charter* - Whether the Applicant was confronted by his citizenship status and had engaged the provisions of the *Citizenship Act* long before section 15 of the *Charter* came into force - Whether the date the Applicant applied for Canadian citizenship is determinative of whether the denial of the Applicant's application for citizenship involved a retrospective or retroactive application of the *Charter* - Whether the lower courts erred in applying the test in *Benner v. Secretary of State of Canada* [1997] 1 S.C.R. 358 - Do the *Benner* decision and the *Charter* apply to the circumstances of persons including the Applicant born prior to 1947 whose applications for Canadian citizenship are denied today on the basis of the gender and marital status of their Canadian born parent?

PROCEDURAL HISTORY

November 4, 1999 Federal Court of Canada, Trial Division (Richard A.C.J.)	Application for judicial review of a citizenship order dismissed
February 8, 2001 Federal Court of Appeal (Noël, Evans and Sharlow JJ.A.)	Appeal dismissed

April 5, 2001
Supreme Court of Canada

Application for leave to appeal filed

28271 **151730 Canada Inc. - c. - 167593 Canada Inc.** (Qué.) (Civile)

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

La demande d'autorisation d'appel est rejetée avec aucune ordonnance relative aux dépens.

The application for leave to appeal is dismissed with no order as to costs.

NATURE DE LA CAUSE

Droit civil – Hypothèque légale – Privilège du fournisseur de matériaux de construction – Inscription d'un privilège au registre foncier – *Code civil du Québec*, L.Q. 1991, ch. 64, art. 2726 et 3063 – Procédure civile – Requête en radiation d'inscription au registre foncier – *Code de procédure civile*, L.R.Q., ch. 25, art. 804 – Principe de l'autorité de la chose jugée (*res judicata*)

HISTORIQUE PROCÉDURAL

Le 11 mai 1995
Cour supérieure du Québec
(Frenette j.c.s.)

Requête en radiation d'inscriptions sur le registre foncier
accueillie ; requête en irrecevabilité de la demanderesse
rejetée

Le 26 septembre 2000
Cour d'appel du Québec
(Deschamps, Rochette, et Pelletier jj.c.a.)

Appel rejeté

Le 27 novembre 2000
Cour suprême du Canada

Demande d'autorisation d'appel déposée

28524 **The Corporation of the City of Toronto also known as the City of Toronto - v. - Donna Myshrall and Eddy Maharaj, Nathan Myshrall, Tara Myshrall and Jonathan Myshrall and Ryan Maharaj by their litigation guardian Donna Myshrall** (Ont.) (Civil)

CORAM: Gonthier, 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

Statutes - Interpretation - Procedural law - Limitation of Actions - Municipal law - Highways - Whether the Court of Appeal erred in holding that a notice under s. 284(5) of the *Municipal Act*, R.S.O. 1990 c. M-45 which is intended to give a municipality notice of a lack of repair of a particular street or sidewalk does not have to include the time and place and occurrence nor the full address and identity of the claimant - Whether the Court of Appeal erred in ruling the question of whether a notice letter must meet the requirements of the statute was an issue for trial - Whether the Court of Appeal erred in overruling *Peckham v. the City of Mississauga* (1998), 45 M.P.L.R. (2d) 279.

PROCEDURAL HISTORY

September 30, 1999 Superior Court of Justice (Nordheimer J.)	Applicants' motion for summary judgment granted; Respondents' action dismissed
February 13, 2001 Court of Appeal for Ontario (Osborne A.C.J.O., Austin and Laskin JJ.A.)	Appeal allowed; issue of compliance with s. 284(5) sent to trial
April 11, 2001 Supreme Court of Canada	Application for leave to appeal filed

28408 **David Venn - v. - Her Majesty the Queen ex rel. Steeds** (Ont.) (Civil)

CORAM: **Gonthier, Major and LeBel JJ.**

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Statutes - Interpretation - Constitutional law - *Canadian Charter of Rights and Freedoms* - Applicant found guilty of practising as a Public Accountant without licence, contrary to *Public Accountancy Act*, R.S.O. 1990, c.P.37, s. 24(1)(b) - Whether the Court of Appeal, in attempting to provide meaning to the *P.A.A.* crossed the line from judicial interpretation to "judicial legislation", a constitutional function within the exclusive authority of the Legislature? - Whether the Court of Appeal created retroactive statutory prohibitions that infringe the Applicant's right not to be found guilty on account of any act that was not an offence at the time the act was committed, contrary to section 11(g) of the *Charter*? - Whether statutes such as the *P.A.A.* (in particular sections 1, 24(1)(b) and 34), with prohibitions that can only be defined by expert evidence at trial infringe a defendant's right to security of the person under section 7 of the *Charter*?

PROCEDURAL HISTORY

March 6, 1998 Ontario Court (Provincial Division) (Leclerc J.P.)	Applicant found guilty of practising as Public Accountant without license, contrary to s.24(1)(b) of <i>Public Accountancy Act (P.A.A.)</i>
January 27, 2000 Superior Court of Justice (Fitzgerald O.C.J.)	Applicant did not require a licence to practice as a public accountant in these circumstances. Appeal was allowed and conviction quashed
December 11, 2000 Court of Appeal for Ontario (Labrosse , Weiler and Sharpe JJ.A.)	Appeal from acquittal allowed and conviction restored; s.24(1)(b) of <i>P.A.A.</i> sufficiently precise to avoid problems of vagueness
February 7, 2001 Supreme Court of Canada	Application for leave to appeal filed

28500 **Royal Canadian Mounted Police - v. - Her Majesty the Queen** (N.S.) (Civil)

CORAM: Gonthier, Major and Binnie JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Administrative law - Labour law - Jurisdiction - Statutory interpretation - *Canada Labour Code* - Whether the Provincial Court has jurisdiction to try the RCMP under Part II of the *Canada Labour Code* by virtue of section 11(1.1) of the *Financial Administration Act*, R.S.C. 1985, c. F-11

PROCEDURAL HISTORY

July 29, 1999 Provincial Court of Nova Scotia (Ross J.)	Application challenging the applicability of Part II of the <i>Canada Labour Code</i> to the RCMP dismissed
September 22, 2000 Supreme Court of Nova Scotia (Kennedy C.J.S.C.)	Application for prohibition with <i>certiorari</i> in aid dismissed
February 7, 2001 Nova Scotia Court of Appeal (Roscoe, Chipman and Flinn JJ.A.)	Appeal dismissed
April 6, 2001 Supreme Court of Canada	Application for leave to appeal filed

28487 **Apotex Inc. - v. - The Wellcome Foundation Limited and Glaxo Wellcome Inc.** (F.C.) (Civil)

CORAM: Gonthier, 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 - Patents - Reference to determine the extent of patent infringement and account for profits - Methods appropriate to determine extent of infringement and to account for profits.

PROCEDURAL HISTORY

August 26, 1998
Federal Court of Canada, Trial Division
(MacKay J.)

Amount payable to respondents determined on reference

January 26, 2001
Federal Court of Appeal
(Strayer, Noël and Evans JJ.A.)

Appeal dismissed; cross-appeal dismissed

March 27, 2001
Supreme Court of Canada

Application for leave to appeal filed

28421 Fred Weeks - v. - Her Majesty the Queen (F.C.)(Civil)

CORAM: Gonthier, 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

Canadian Charter of Rights and Freedoms - Taxation - Equality rights - Deduction for disabled persons - Deductions available for institutionalised disabled persons but not for those cared in home - Whether legislation discriminatory and contrary to equality rights in s. 15(1) of the *Charter*.

PROCEDURAL HISTORY

December 15, 1998
Tax Court of Canada
(Teskey J.T.C.C.)

Appeals from the assessments made under the *Income Tax Act* for the 1991 through 1994 taxation years dismissed

December 12, 2000
Federal Court of Appeal
(Rothstein, McDonald, and Sharlow JJ.A.)

Appeal dismissed

February 12, 2001
Supreme Court of Canada

Application for leave to appeal filed

28563 **Carl Cardella - v. - Her Majesty the Queen** (F.C.) (Civil)

CORAM: Gonthier, 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 - Assessment - Deduction in computing income for losses sustained with respect to interests in limited partnership - Whether there was a reasonable expectation of profit.

PROCEDURAL HISTORY

March 16, 1999 Tax Court of Canada (Bonner J.T.C.C.)	Appeal from assessments for the 1989, 1990 and 1991 taxation years dismissed
February 26, 2001 Federal Court of Appeal (Stone, Evans and Malone JJ.A.)	Appeal allowed in part; Referral back for reassessment
April 26, 2001 Supreme Court of Canada	Application for leave to appeal filed

28454 **Abdelhafidh Ben-Hafsia - v. - City of Vancouver, City of Ottawa Police Services Board, City of Hull
and Communauté urbaine de Montréal** (F.C.) (Civil)

CORAM: Gonthier, Major and Binnie JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Procedural law - Scope of the extra provincial jurisdiction conferred by s.25 of the *Federal Court Act* [R.S.C. 1985, c. F-7] on the Federal Court of Canada.

PROCEDURAL HISTORY

December 19, 2000 Federal Court of Canada (Trial Division) (Dubé, J.)	Applicant's application for an order to amend Notice of Appeal or for extension of time, dismissed
January 29, 2001 Federal Court of Appeal (Stone J.A.)	Applicant's motion granted in part; Notice of Appeal amended by substituting "September 26, 2000" for "September 25, 2000"

March 2, 2001
Federal Court of Appeal
(Evans J.)

Applicant's motion seeking stay of order of Stone J.A.
dismissed

March 13, 2001
Supreme Court of Canada

Application for leave to appeal

28445 **ORC Management Limited (carrying on business as the Ontario Racquet Club) - v. - Infinite Maintenance Systems Ltd.** (Ont.) (Civil)

CORAM: Gonthier, 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

Commercial law - Contracts - Penalty and liquidated damage clauses - Whether contract clause a penalty or liquidated damage clause - Damages.

PROCEDURAL HISTORY

May 12, 1999
Superior Court of Justice
(Ground J.)

Order: Applicant's action dismissed

January 17, 2001
Court of Appeal for Ontario
(Finlayson, Labrosse, and Weiler JJ.A.)

Appeal dismissed

March 7, 2001
Supreme Court of Canada

Application for leave to appeal filed

28478 **Raymond F. Pasquan - v. - Her Majesty the Queen** (F.C.) (Civil)

CORAM: Gonthier, 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

Labour law - Unemployment Insurance - Termination of employment by mutual agreement - Whether failure to consider "mutual agreement" as just cause for voluntarily leaving employment violates s. 2(d) of the *Charter* - Whether an indefinite disqualification for voluntarily leaving employment without just cause violates s. 12 of the *Charter* - Whether the reliance by the Board on hearsay evidence was a breach of the principles of natural justice.

PROCEDURAL HISTORY

January 23, 2001
Federal Court of Appeal
(Strayer, Noël and Evans JJ.A.)

Applicant's application for judicial review of Umpire's decision to dismiss appeal of Board of Referees' decision, which held Applicant had voluntarily terminated employment without just cause, dismissed

March 20, 2001
Supreme Court of Canada

Application for leave to appeal filed

28594 **Abdul Habib Ahmadi - v. - Her Majesty the Queen** (Ont.) (Crim.)

CORAM: Gonthier, 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 - Crown disclosure - Whether the Crown's failure to disclose material pertaining to the previous conviction of a Crown witness for possession of a narcotic and charges for trafficking in heroin impaired the Applicant's ability to make full answer and defence

PROCEDURAL HISTORY

October 8, 1998
Ontario Superior Court of Justice
(Cameron J.)

Conviction: Trafficking heroin (2 counts)

December 22, 1998
Ontario Superior Court of Justice
(Cameron J.)

Sentence: 7 years imprisonment

March 14, 2001
Court of Appeal for Ontario
(Carthy, Weiler and Laskin JJ.A.)

Appeal against conviction dismissed

May 14, 2001
Supreme Court of Canada

Application for leave to appeal filed

28557 **Kurt Alexander Hiebert - v. - Joe Price, in his capacity as Acting/Assistant Commissioner, Corporate Development, Correctional Service of Canada and Ole Ingstrup, in his capacity as Commissioner of Corrections** (F.C.) (Civil)

CORAM: Gonthier, 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

Canadian Charter of Rights and Freedoms - Procedural law - Section 7 *Charter* right of federal prisoners not to be deprived of their liberty interests without fundamental justice - Extension of time for filing appeal of decision on judicial review - Whether judge failed to give sufficient weight to all considerations relevant to an extension of time under s. 27(2) of *the Federal Court Act* - Whether Federal Court of Appeal erred in not interfering with the discretion of judge as the discretion was wrongly exercised.

PROCEDURAL HISTORY

December 15, 1999
Federal Court of Canada, Trial Division
(Pelletier J.)

On application for *certiorari* and mandamus, Applicant's request for disclosure of documents dismissed

July 4, 2000
Federal Court of Canada, Trial Division
(Gibson J.)

Applicant's application pursuant to Rule 369 for an order extending the period of time to file a Notice of Appeal dismissed

March 6, 2001
Federal Court of Appeal
(Richard C.J., Strayer and Sharlow JJ.A.)

Appeal dismissed

May 7, 2001
Supreme Court of Canada

Application for leave to appeal filed

28554 **Doaktown Lumber Limited - v. - GMAC Commercial Credit Corporation Canada and Coopers & Lybrand Limited (now Pricewaterhouse Coopers Limited)** (N.B.) (Civil)

CORAM: Gonthier, Major and Binnie JJ.

The application for leave to appeal is dismissed with costs to the Respondent, GMAC Commercial Credit Corporation Canada.

La demande d'autorisation d'appel est rejetée avec dépens à l'intimé, GMAC Commercial Credit Corporation Canada.

NATURE OF THE CASE

Commercial Law - Bankruptcy - Res Judicata - Issue Estoppel - Whether the Court of Appeal failed to properly apply the principles of *res judicata*/issue estoppel in an application to annul a proposal in bankruptcy - *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, s. 63(1)

PROCEDURAL HISTORY

October 21, 1999 Court of Queen's Bench of New Brunswick (Russell J.)	GMAC's application to annul a proposal in bankruptcy pursuant to s. 63(1) of the <i>Bankruptcy and Insolvency Act</i> dismissed
November 22, 2000 Court of Queen's Bench of New Brunswick (Riordon J.)	GMAC's application to annul a proposal in bankruptcy pursuant to s. 63(1) of the <i>Bankruptcy and Insolvency Act</i> granted
March 20, 2001 Court of Appeal of New Brunswick (Drapeau, Deschênes and Robertson JJ.A.)	Appeal dismissed
May 3, 2001 Supreme Court of Canada	Application for leave to appeal filed

28502 **Christopher Fenton, an infant by his Guardian Ad Litem, Suzann Fenton - v. - Daniel Robert Baldo, Andre Francois Baldo and The District of Kitimat** (B.C.) (Civil)

CORAM: Gonthier, 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 - Trial - No-evidence motions - Whether the proper test for a no-evidence motion permits a court to weigh the evidence and dismiss the action where the evidence is capable of more than one interpretation - Whether a no-evidence motion brought at the close of a plaintiff's case should be granted with respect to only one defendant in an action brought against multiple defendants.

PROCEDURAL HISTORY

April 2, 1998 Supreme Court of British Columbia (Loo J.)	Action in negligence against District of Kitimat declared non-suit
April 8, 1998 Supreme Court of British Columbia (Loo J.)	Action in negligence against Daniel Robert Baldo and Andre François Baldo declared non-suit
February 9, 2001 Court of Appeal for British Columbia (Cumming, Braidwood and Hall JJ.A.)	Appeal dismissed
April 10, 2001 Supreme Court of Canada	Application for leave to appeal filed

28426 **Noël Ayangma - v. - NAV Canada and Mr. John S. Navaux, Manager ACC Operations (NAV Canada)** (P.E.I.) (Civil)

CORAM: Gonthier, 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 - Jurisdiction - Torts - Libel and slander - Damages - Whether the Court of Appeal erred in holding that the Motions judge had acted outside of her jurisdiction in finding that a statement made by the Respondent Mr. Navaux was defamatory - Whether the Court of Appeal erred in holding that the statement made by the Respondent was protected by either absolute or qualified privilege - Whether the Motions judge erred in assessing the Applicant's damages as nominal.

PROCEDURAL HISTORY

March 31, 2000 Supreme Court of Prince Edward Island (Trial Division) (Webber J.)	Applicant's motion for summary judgment granted: Respondents ordered to pay \$1,500 for defamatory statement made about Applicant
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January 8, 2001 Supreme Court of Prince Edward Island (Appeal Division) (Mitchell C.J.P.E.I., McQuaid and Carruthers JJ.A.)	Appeal dismissed; cross-appeal allowed, Applicant's statement of claim dismissed
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February 15, 2001 Supreme Court of Canada	Application for leave to appeal filed
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28450 **Body Rubs of Ontario Inc. - v. - The Corporation of the City of Vaughan** (Ont.)(Civil)

CORAM: Gonthier, Major and Binnie JJ.

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

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

NATURE OF THE CASE

Municipal Law - Licensing businesses - Bylaws - Accountability of a municipality for the financial impact of its by-law making powers - Whether a municipality may pass licensing by-laws circumscribing a legal right to carry on a lawful business without carrying on an effects based analysis to ensure that the exercise of its legislative making powers does not have a prohibitory effect - Extent of effects based analysis that ought to be conducted in support of a by-law - How effects of a proposed bylaw are to considered and weighed - Whether decisions below are inconsistent with cases which provide that a municipality is not permitted to pass a by-law whose effect is to make it practically impossible to conduct a legal business.

PROCEDURAL HISTORY

July 13, 2000	Application for an order declaring by-law <i>ultra vires</i> and <i>void</i>
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Superior Court of Justice
(Lax J.)

ab initio dismissed

January 4, 2001
Court of Appeal for Ontario
(Catzman, Borins and Feldman JJ.A.)

Appeal dismissed

March 9, 2001
Supreme Court of Canada

Application for leave to appeal filed

28505 **Federated Co-Operatives Limited - v. - Her Majesty the Queen** (F.C.) (Civil)

CORAM: Gonthier, 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 - Whether the Applicant's claim for monetary damages on the basis of unjust enrichment invokes equitable relief - What is the intersection between statutory limitation periods and the tri-partite analysis of a claim based on unjust enrichment

PROCEDURAL HISTORY

June 25, 1999
Federal Court of Canada, Trial Division
(Dubé J.)

Respondent's application for summary judgment granted;
Applicant's Statement of Claim dismissed

February 15, 2001
Federal Court of Appeal
(Richard C.J.F.C., Noël and Evans JJ.A.)

Appeal dismissed

April 17, 2001
Supreme Court of Canada

Application for leave to appeal filed

28657 **Association des communautés scolaires franco-protestantes du Québec, Jocelyn Aubut, Daniel Desjardins, Dorothy Booth Fortier, Céline Moisan Matte, Roger Boudreau, Raymond Lesage, Maurice Phénix, Richard Thériault, Sylvain Rancourt, Christian Grondin et Jean Boivin - c. - La Procureure générale du Québec et la Procureure générale du Canada** (Qué.) (Civile)

CORAM: Les juges Gonthier, Binnie et Arbour

La demande pour sursis d'exécution et la demande d'autorisation d'appel sont rejetées avec dépens.

The application for stay of proceedings and the application for leave to appeal are dismissed with costs.

NATURE DE LA CAUSE

Droit constitutionnel - Écoles - Articles 93 et 93A de la *Loi Constitutionnelle de 1867* - Demande de sursis - La Cour d'appel a-t-elle erré en faits et en droit en concluant à l'inexistence d'un préjudice irréparable pour les demandeurs? - La Cour d'appel a-t-elle erré en droit en concluant que la *Modification constitutionnelle de 1997 (Québec)* n'est pas un cas flagrant d'inconstitutionnalité et que le critère de la prépondérance des inconvénients n'est pas rempli?

HISTORIQUE PROCÉDURAL

Le 25 janvier 2001 Cour supérieure du Québec (Lebrun j.c.s.)	Requête pour l'émission d'une ordonnance de sursis accueillie
Le 5 juin 2001 Cour d'appel du Québec (Dussault, Robert et Pidgeon jj.c.a.)	Appel accueilli
Le 5 juillet 2001 Cour d'appel du Québec (Pelletier j.c.a.)	Requête pour une ordonnance de sursis rejetée
Le 13 juillet 2001 Cour suprême du Canada	Demande d'autorisation d'appel et requête pour sursis et autres ordonnances déposées
Le 27 juillet 2001 Cour suprême du Canada (LeBel j.)	Requête pour sursis et autres ordonnances accueillie en partie; délais de réponse et de réplique abrégés; requête pour sursis déferée à la formation des juges de la Cour saisis de la demande d'autorisation d'appel

28632 **John Ford Bolt - v. - Marie Annette Bolt** (Ont.) (Civil)

CORAM: Gonthier, Iacobucci and Arbour JJ.

The application for stay of proceedings is dismissed and the application for leave to appeal is dismissed with costs.

La demande pour sursis d'exécution est rejetée et la demande d'autorisation d'appel est rejetée avec dépens.

NATURE OF THE CASE

Family Law - Division of Property - Setting aside a Separation Agreement - Whether courts should simply set aside duly negotiated separation agreements between equal parties each represented by separate and independent legal counsel, where both parties understood the nature and the consequences of the agreement- What is the effect of a sworn certificate of independent legal advice and an affidavit of counsel certifying that the party received legal advice, understood the nature and effect of the agreement and signed the agreement voluntarily - Whether the court should recognize a witness as an expert in order to accept that person's opinion evidence on the mental state of a party.

PROCEDURAL HISTORY

August 25, 1999 Ontario Superior Court of Justice (Taliano J.)	Respondent's counter-petition to set aside the separation agreement, granted
April 4, 2001	Court of Appeal for Ontario

(Charron, Rosenberg and Goudge JJ.A.)

Applicant's appeal dismissed; Respondent's cross-appeal
on issue of costs allowed in part

June 4, 2001
Supreme Court of Canada

Application for leave to appeal filed

August 17, 2001
Supreme Court of Canada
(Iacobucci J.)

Motion for a stay referred to panel seized of the leave
application

21.8.2001

Before / Devant: ARBOUR J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Privacy Commissioner of Canada

IN/DANS: The Commissioner of Official Languages

v. (28188)

Robert Lavigne (F.C.A.)

GRANTED / ACCORDÉE

UPON APPLICATION by The Privacy Commissioner of Canada for leave to intervene in the above appeal;

AND HAVING READ the material filed ;

IT IS HEREBY ORDERED THAT:

The motion for leave to intervene of the applicant Privacy Commissioner of Canada is granted and the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length.

The request to present oral argument is deferred to a date following receipt and consideration of the written arguments of the parties and the interveners.

The intervener shall not be entitled to adduce further evidence or otherwise to supplement the record of the parties.

Pursuant to Rule 18(6) the intervener shall pay to the appellant and respondent any additional disbursements occasioned to the appellant and respondent by the intervention.

21.8.2001

Before / Devant: THE REGISTRAR

Motion to extend the time in which to serve and file the book of authorities of the intervener the Attorney General of Alberta

Requête en prorogation du délai imparti pour signifier et déposer le recueil de jurisprudence et de doctrine de l'intervenant le procureur général de l'Alberta

Chief Councillor Mathew Hill, also known as Thathathk, on his own behalf and on behalf of all other members of the Kitkatla Band, et al.

v. (27801)

The Minister of Small Business, Tourism and Culture, et al. (B.C.)

GRANTED / ACCORDÉE Time extended to June 18, 2001.

21.8.2001

Before / Devant: THE REGISTRAR

Miscellaneous motion

Autre requête

Gilmore Wright

v. (28577)

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

GRANTED / ACCORDÉE Decision on the miscellaneous motion for an order excusing the applicant from complying with Rule 33(3)(a), which requires that the printed pages must face up on the left.

21.8.2001

Before / Devant: LE JUGE ARBOUR

Requête en prorogation du délai imparti pour signifier et déposer l'avis d'appel

Motion to extend the time in which to serve and file the notice of appeal

Sylvain Prud'homme

c. (28679)

Sa Majesté la Reine (Crim.)(Qué.)

GRANTED / ACCORDÉE Délai prorogé au 15 juin 2001.

21.8.2001

Before / Devant: THE REGISTRAR

Motion to extend the time in which to serve and file the factum and the book of authorities of the intervener the Attorney General of Canada

Requête en prorogation du délai imparti pour signifier et déposer le mémoire et le recueil de jurisprudence et de doctrine de l'intervenant le procureur général du Canada

Chief Councillor Mathew Hill, also known as Thathathk, on his own behalf and on behalf of all other members of the Kitkatla Band, et al.

v. (27801)

The Minister of Small Business, Tourism and Culture, et al. (B.C.)

GRANTED / ACCORDÉE Time extended to July 24, 2001.

21.8.2001

Before / Devant: ARBOUR J.

Motion for extension of time and leave to intervene

Requête visant à obtenir une prorogation de délai et l'autorisation d'intervenir

BY/PAR: Canadian Civil Liberties Association

IN/DANS: David Malmo-Levine

v. (28026)

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

and

Christopher James Clay

v. (28189)

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

and

Victor Eugene Caine

v. (28148)

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

GRANTED / ACCORDÉE

UPON APPLICATION by the Canadian Civil Liberties Association for an extension of time and for leave to intervene in the above appeals;

AND HAVING READ the material filed ;

IT IS HEREBY ORDERED THAT:

The motion for an extension of time and for leave to intervene of the applicant Canadian Civil Liberties Association is granted and the applicant shall be entitled to serve and file a joint factum not to exceed 20 pages in length.

The request to present oral argument is deferred to a date following receipt and consideration of the written arguments of the parties and the interveners.

The intervener shall not be entitled to adduce further evidence or otherwise to supplement the record of the parties.

Pursuant to Rule 18(6) the intervener shall pay to the appellants and respondents any additional disbursements occasioned to the appellants and respondents by the intervention.

22.8.2001

Before / Devant: LE JUGE ARBOUR

Requête en autorisation d'intervention

Motion for leave to intervene

BY/PAR: Richard B. Holden

IN/DANS: Roderick Macdonell, c.r.

c. (28092)

La procureure générale du Québec, et
al. (Qué.)

DISMISSED / REJETÉE

UPON APPLICATION by Richard B. Holden for leave to intervene in the above appeal;

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The motion for leave to intervene of the applicant Richard B. Holden is denied.

23.8.2001

Before / Devant: THE CHIEF JUSTICE

**Motion to state a constitutional question by the
appellant**

**Requête de l'appelant pour énoncer une question
constitutionnelle**

David Scott Hall

v. (28223)

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

GRANTED / ACCORDÉE The notices of intervention are to be filed on or before October 1, 2001.

1. Does s. 515(10)(c) of the *Criminal Code*, R.S.C. 1985, c. C-46, infringe s. 11(e) of the *Canadian Charter of Rights and Freedoms*?
2. If Question 1 is answered affirmatively, is the infringement demonstrably justified in a free and democratic society pursuant to s. 1 of the *Canadian Charter of Rights and Freedoms*?
1. L'alinéa 515(10)c) du *Code criminel*, L.R.C. 1985, ch. C-46, viole-t-il l'al. 11e) de la *Charte canadienne des droits et libertés*?
2. Si la réponse à la première question est affirmative, la justification de cette violation peut-elle se démontrer dans le cadre d'une société libre et démocratique, conformément à l'article premier de la *Charte canadienne des droits et libertés*?

23.8.2001

Before / Devant: ARBOUR J.

Motion to extend the time in which to serve and file the application for leave

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

Lance Olmstead

v. (28710)

Attorney General of Canada, et al. (B.C.)

GRANTED / ACCORDÉE Time extended to September 15, 2001.

23.8.2001

Before / Devant: ARBOUR J.

Motion for a stay of execution

Requête en vue de surseoir à l'exécution

3017970 Nova Scotia Company

v. (28727)

Pacifica Papers Inc., et al. (B.C.)

DISMISSED / REJETÉE

UPON APPLICATION by 3017970 Nova Scotia Company for an order staying proceedings in respect of the Order of the Court of Appeal for British Columbia, dated August 10, 2001, and staying the issuance by the Respondent Director of a Certificate of Arrangement pursuant to section 192 of the *Canada Business Corporations Act*, R.S.C. 1985, c. C-44, pending the determination of its application for leave to this Court;

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The applicant, 3017970 Nova Scotia Company, applies under s. 65.1(1) of the *Supreme Court Act*, R.S.C. 1985, c. S-26 (as amended by S.C. 1994, c. 44, s. 101), for an order staying proceedings in respect of the Order of the Court of Appeal for British Columbia, dated August 10, 2001, and staying the issuance by the Respondent Director of a Certificate of Arrangement pursuant to section 192 of the *Canada Business Corporations Act*, R.S.C. 1985, c. C-44, pending the determination of its application for leave to this Court.

In a similar motion in *Imperial Oil Limited v. Eric S. Lloyd et al.* (File no. 27744) (February 24, 2000), Major J. reiterated that

“[t]he general rule is that the applicant must apply to the court appealed from. See *Esmail v. Petro-Canada*, [1997] 2 S.C.R. 3 and *Richter & Partners Inc. v. Ernst & Young*, [1997] 2 S.C.R. 5. ...

The applicant has the onus of establishing a reason why the court appealed from cannot consider the application for a stay of proceedings. It has failed to establish this.”

The present applicant has also offered no explanation as to why the matter should not have proceeded according to the usual practice, before the British Columbia Court of Appeal.

Accordingly, this application must be dismissed without prejudice to the applicant's right to bring the same application before the British Columbia Court of Appeal.

23.8.2001

Before / Devant: LE REGISTRAIRE

Requête en prorogation du délai imparti pour signifier et déposer le mémoire et le recueil de jurisprudence et de doctrine de l'intervenant le procureur général de l'Alberta

Motion to extend the time in which to serve and file the factum and book of authorities of the intervener the Attorney General of Alberta

Louise Gosselin

c. (27418)

Le procureur général du Québec (Qué.)

GRANTED / ACCORDÉE Délai prorogé au 18 juillet 2001.

23.8.2001

Before / Devant: THE REGISTRAR

Motion to extend the time in which to serve and file the respondent's response to August 21, 2001

Requête en prorogation du délai imparti pour signifier et déposer la réponse de l'intimée

Irvine George Forrest

v. (28663)

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

GRANTED / ACCORDÉE Time extended to August 21, 2001.

23.8.2001

Before / Devant: THE REGISTRAR

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

Requête en prorogation du délai imparti pour signifier et déposer le dossier de l'intimée

J.W.R.

v. (28433)

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

GRANTED / ACCORDÉE Time extended to July 30, 2001.

23.8.2001

Before / Devant: THE REGISTRAR

Miscellaneous motion

Autre requête

Clinton Junior Gayle

v. (28699)

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

GRANTED / ACCORDÉE Decision on the miscellaneous motion by the applicant for an order accepting the application for leave to appeal as is, notwithstanding the printing is on the right hand side.

24.8.2001

Before / Devant: ARBOUR J.

**Motion to extend the time in which to serve and file
a notice of appeal**

**Requête en prorogation du délai imparti pour
signifier et déposer un avis d'appel**

S.F.

v. (28692)

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

GRANTED / ACCORDÉE Time extended to July 20, 2001.

24.8.2001

Before / Devant: LE JUGE ARBOUR

Requête en radiation

Motion to strike

Louise Gosselin

c. (27418)

Le procureur général du Québec (Qué.)

DISMISSED / REJETÉE La requête de l'intimé en radiation de parties du mémoire de l'intervenante, la Commission des droits de la personne et des droits de la jeunesse est rejetée. L'intimé est autorisé à produire un mémoire supplémentaire d'au plus 15 pages, avant le 30 septembre 2001.

24.8.2001

Before / Devant: THE REGISTRAR

Motion to extend the time in which to serve and file the factum and book of authorities of the intervener the Attorney General of Manitoba

Requête en prorogation du délai imparti pour signifier et déposer le mémoire et le recueil de jurisprudence et de doctrine de l'intervenant le procureur général du Manitoba

Deborah Smith

v. (27844)

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

GRANTED / ACCORDÉE Time extended to August 7, 2001.

24.8.2001

Before / Devant: THE REGISTRAR

Motion to extend the time in which to serve and file the factum and book of authorities of the intervener the Attorney General for Ontario

Requête en prorogation du délai imparti pour signifier et déposer le mémoire et le recueil de jurisprudence et de doctrine de l'intervenant le procureur général de l'Ontario

Ivon Shearing

v. (27782)

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

GRANTED / ACCORDÉE Time extended to August 13, 2001.

24.8.2001

Before / Devant: THE REGISTRAR

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

Requête en prorogation du délai imparti pour signifier et déposer le dossier, le mémoire et le recueil de jurisprudence et de doctrine des intimés

Patrick Berry, et al.

v. (27992)

Chris Pulley, et al. (Ont.)

GRANTED / ACCORDÉE Time extended to August 31, 2001.

27.8.2001

Before / Devant: THE REGISTRAR

Motion to file a lengthy memorandum of argument of namely 40 pages

Requête visant le dépôt d'un long mémoire de 40 pages

Salvatore Gramaglia

v. (28652)

Alberta Family and Social Services (Alta.)

GRANTED / ACCORDÉE

27.8.2001

Before / Devant: ARBOUR J.

Motion to extend the time in which to serve and file a notice of appeal

Requête en prorogation du délai imparti pour signifier et déposer un avis d'appel

Marcus Richardson

v. (28674)

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

GRANTED / ACCORDÉE Time extended to June 25, 2001.

**NOTICE OF APPEAL FILED SINCE
LAST ISSUE**

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

14.8.2001

Camille Noël

c (28734)

Sa Majesté la Reine (Qué.)

(DE PLEIN DROIT)

**NOTICES OF INTERVENTION FILED
SINCE LAST ISSUE**

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

17.8.2001

BY/PAR: Attorney General of British Columbia

IN/DANS: **The Attorney General of Nova Scotia**

v. (28179)

Susan Walsh et al. (N.S.)

22.8.2001

BY/PAR: Attorney General of Ontario
Attorney General of Canada

IN/DANS: **The Attorney General of Nova Scotia**

v. (28179)

Susan Walsh et al. (N.S.)

24.8.2201

BY/PAR: Attorney General of Ontario

IN/DANS: **Clayton Charles Ruby**

v. (28029)

The Solicitor General (F.C.A.)

27.8.2001

BY/PAR: Attorney General of Alberta

IN/DANS: **The Attorney General of Canada on behalf of Her Majesty the Queen in Right of Canada and in his capacity as Minister of Justice, et al.**

v. (28091)

Patricia Babcock, et al. (B.C.)

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 : **October 1, 2001**
Service : September 10, 2001
Filing : September 14, 2001
Respondent : September 21, 2001

Motion day : **November 5, 2001**
Service : October 12, 2001
Filing : October 19, 2001
Respondent : October 26, 2001

Motion day : **December 3, 2001**
Service : November 9, 2001
Filing : November 16, 2001
Respondent : November 23, 2001

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 : **1 octobre 2001**
Signification : 10 septembre 2001
Dépôt : 14 septembre 2001
Intimé : 21 septembre 2001

Audience du : **5 novembre 2001**
Signification : 12 octobre 2001
Dépôt : 19 octobre 2001
Intimé : 26 octobre 2001

Audience du : **3 décembre 2001**
Signification : 9 novembre 2001
Dépôt : 16 novembre 2001
Intimé : 23 novembre 2001

DEADLINES: APPEALS

The Fall Session of the Supreme Court of Canada will commence October 1, 2001.

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:

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.

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 d'automne de la Cour suprême du Canada commencera le 1^{er} octobre 2001.

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

Le dossier de l'appelant, son mémoire et son recueil de jurisprudence et de doctrine doivent être déposés dans les quatre mois du dépôt 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 du mémoire de l'appelant.

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 du mémoire de l'intimé, sauf ordonnance contraire.

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

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

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

SUPREME COURT OF CANADA SCHEDULE
CALENDRIER DE LA COUR SUPREME

- 2001 -

OCTOBER - OCTOBRE						
S D	M L	T M	W M	T J	F V	S S
	M 1	2	3	4	5	6
7	H 8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

NOVEMBER - NOVEMBRE						
S D	M L	T M	W M	T J	F V	S S
				1	2	3
4	M 5	6	7	8	9	10
11	H 12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

DECEMBER - DECEMBRE						
S D	M L	T M	W M	T J	F V	S S
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	H 25	H 26	27	28	29
30	31					

- 2002 -

JANUARY - JANVIER						
S D	M L	T M	W M	T J	F V	S S
		H 1	2	3	4	5
6	7	8	9	10	11	12
13	M 14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

FEBRUARY - FÉVRIER						
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MARCH - MARS						
S D	M L	T M	W M	T J	F V	S S
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24 31	25	26	27	28	H 29	30

APRIL - AVRIL						
S D	M L	T M	W M	T J	F V	S S
	H 1	2	3	4	5	6
7	8	9	10	11	12	13
14	M 15	16	17	18	19	20
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28	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	8	9	10	11
12	M 13	14	15	16	17	18
19	H 20	21	22	23	24	25
26	27	28	29	30	31	

JUNE - JUIN						
S D	M L	T M	W M	T J	F V	S S
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2	3	4	5	6	7	8
9	M 10	11	12	13	14	15
16	17	18	19	20	21	22
23 30	24	25	26	27	28	29

Sittings of the court:
Séances de la cour:

Motions:
Requêtes:

Holidays:
Jours fériés:



18 sitting weeks / semaines séances de la cour

79 sitting days / journées séances de la cour

9 motion and conference days / journées requêtes, conférences

2 holidays during sitting days / jours fériés durant les sessions