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.

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.

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.

Ce Bulletin, publié sous l'autorité du 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 du 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.

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.

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.

Jacques Chaoulli
Jacques Chaoulli

c. (28357)

Procureure générale du Québec, et al. (Qué.)
Danielle Allard
Procureure générale du Québec

DATE DE PRODUCTION 4.1.2001

Jacob G. Bogatin
Bryan Finlay, Q.C.
Weir & Foulds

v. (28353)

Royal Trust Corporation of Canada, et al. (Ont.)
Earl A. Cherniak, Q.C.
Lerner & Associates LLP

FILING DATE 5.1.2001

Sa Majesté la Reine
Carole Lebeuf
Procureure générale du Québec

c. (28355)

Daniel Brunette (Qué.)
Robert Bellefeuille

DATE DE PRODUCTION 15.1.2001

Gerald Weinberg et al.
Gerald Weinberg

v. (28354)

The Grey/Bruce Humane Society, et al. (Ont.)
David Lovell

FILING DATE 15.1.2001

Serge Gagnon
Martin Tremblay

c. (28356)

Sa Majesté la Reine (Qué.)
Richard Daoust
Gauthier Bédard

DATE DE PRODUCTION 16.1.2001

A.P.
A.P.

c. (28352)

L.D. et al. (Qué.)
André Bibeau
Lord & Associés

DATE DE PRODUCTION 23.1.2001

JANUARY 29, 2001 / LE 29 JANVIER 2001

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

Ian Brown and Marcus Leech carrying on business as Synchronics,

v. (27995)

Synchronics Incorporated (F.C.)

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Procedural law - Judgments and orders - Action by partnership - *Federal Court Rules* requiring action by partnership to be conducted by lawyer - Applicants not retaining lawyer - Default judgment issuing after expiry of delay in order allowing for lawyer to be retained - Whether Federal Court erred in taking the proceeding to final judgment without consideration of the issue - Whether Federal Court 1998 Rule 119 and Rule 120, as they are usually applied, offend *Charter* ss. 7, 15 (1) and 24, *Canadian Bill of Rights* ss.1(*b*) and 2(*e*) and fundamental justice (the *audi alteram partem* rule)- Whether decisions that flow from the usual application of Federal Court 1998 Rule 119 and Rule 120 further offend *Charter* s. 8, *Canadian Bill of Rights* s. 1(*a*).

PROCEDURAL HISTORY

April 3, 2000 Federal Court of Canada, Trial division (Teitelbaum J.)	Claim against Sychronics Ltd. and Synchronics allowed
May 31, 2000 Federal Court of Appeal (Sharlow J.A.)	Motion for stay of execution dismissed; motion for leave to allow Applicants Brown and Leech to represent Synchronics Ltd. and Synchronics denied
June 19, 2000 Federal Court of Appeal (Robertson, Evans and Sharlow JJ.A)	Appeal dismissed
August 30, 2000 Supreme Court of Canada	Application for leave to appeal filed

---

Berta Anne Haley

v. (28106)

David Allen Thompson (Sask.)

NATURE OF THE CASE

Procedural law - Family law - Courts - Judgments and orders - Appellate jurisdiction - Division of property - Common law relationship - Lottery ticket prize - Whether trial judge made palpable and overriding error in use of writings made by an abused spouse for the benefit of her abuser to determine the credibility of the abused party, in applying finding of credibility by implicitly rejecting any other evidence that substantiated the abuse or otherwise confirmed the abused party's testimony, and in failing to scrutinize the evidence of the abuser in light of the other evidence presented.

PROCEDURAL HISTORY

January 20, 2000 Court of Queen's Bench of Saskatchewan (Maher J.)	Order: Respondent entitled to one-half of the lottery ticket proceeds, namely $1,080,260.50
June 8, 2000 Court of Appeal for Saskatchewan (Tallis, Cameron, and Gerwing JJ.A.)	Appeal dismissed
September 5, 2000 Supreme Court of Canada	Application for leave to appeal filed

---

Her Majesty the Queen in right of Canada, as represented by the Minister of National Revenue

v. (28062)

First Vancouver Finance (Sask.)

NATURE OF THE CASE

Commercial law - Creditor and debtor - Statutes - Interpretation - Taxation - Whether deemed statutory trust under the *Income Tax Act* attaches property of an employer coming into existence after the employer fails to remit payroll deductions to Revenue Canada - Whether the interests of the Minister of National Revenue have priority over those of a factor in respect of accounts receivable - Whether the Goods and Services Tax component of accounts receivable purchased in a factoring transaction belong to the Minister of National Revenue.

PROCEDURAL HISTORY

January 18, 2000 Court of Queen's Bench of Saskatchewan (Wimmer J.)	Application for declaration granted. Respondent First Vancouver Finance entitled to monies paid by Canada Safeway to Revenue Canada, except for that covered by accounts factored after February 10,1999, which constituted “after-acquired” property.
May 16, 2000 Court of Appeal for Saskatchewan (Cameron, Gerwing and Sherstobitoff JJ.A.)	Appeal and cross-appeal dismissed
August 14, 2000 Supreme Court of Canada	Application for leave to appeal filed

---

Bridgesoft Systems Corporation

v. (28047)

Her Majesty the Queen in Right of The Province of British Columbia (B.C.)

NATURE OF THE CASE

Procedural law - Commercial law - Contracts - Courts - Judgments and orders - Appellate review - Standard of appellate review of findings of fact made on affidavit evidence at summary trial.

PROCEDURAL HISTORY

October 22, 1998 Supreme Court of British Columbia (Bennett J.)	Applicant awarded costs for breach of contract and allowed to proceed with its damage claim
May 11, 2000 Court of Appeal of British Columbia (Hollinrake, Newbury and Braidwood JJ.A)	Appeal allowed, order of the Supreme Court of British Columbia set aside with costs to the Respondent
August 10, 2000 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

Victor Eugene Caine

v. (28148)

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

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Section 7 - *Narcotic Control Act*, s. 3(1) - Whether the Court of Appeal erred in its formulation and appreciation of the significance of the test laid down in *R. v. Butler* [1992] 1 S.C.R. 452 in the context of cannabis (marihuana) prohibition - Whether the Court of Appeal erred in its "balancing of the interests" under s. 7 of the *Charter* based on the findings of the trial judge - Whether the Court of Appeal erred in failing to apply the limit to the "harm principle" that an act should not count as a crime unless it causes harm that is serious both in nature and degree - Whether the Court of Appeal erred in determining that the onus of proof under s. 7 of the *Charter* remained on the Applicant throughout the proceedings in which the Applicant asserted a breach of his rights under s. 7 of the *Charter* - Whether the Court of Appeal erred in failing to consider whether or not the conduct in question, the personal decision to choose to possess and consume cannabis sativa by taking it into one's body, was a "decision of fundamental personal importance" thereby informing and delineating the ambit and scope of the liberty interest threatened with penal consequences in the circumstances - Whether the Court of Appeal erred in failing to identify and apply the additional principles of fundamental justice applicable to the circumstances of the case, namely the principle of restraint as a corollary to the harm principle, the principle precluding irrationality and arbitrariness in the legislative scheme, and the principle of overbreadth within the statutory regime, as additional or alternative bases upon which to ground violation of s. 7 of the *Charter* in the circumstances.

PROCEDURAL HISTORY

April 20, 1998 Provincial Court of British Columbia (Howard J.)	Application for a declaration that s. 3(1) of the *Narcotic Control Act* prohibiting the possession of marihuana for personal use is contrary to s. 7 of the *Charter* denied
November 12, 1998 Supreme Court of British Columbia (Thackray J.)	Appeal dismissed
June 2, 2000 Court of Appeal of British Columbia (Rowles, Prowse [dissenting], Braidwood JJ.A.)	Appeal dismissed
October 6, 2000 Supreme Court of Canada (LeBel J.)	Motion for an extension of time to October 31, 2000 granted
October 30, 2000 Supreme Court of Canada	Application for leave to appeal filed

David Malmo-Levine

v. (28026)

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

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Section 7 - *Narcotic Control Act*, s. 4 - Whether the Court of Appeal erred in characterizing the harms that may come with cannabis use as inherent, instead of a product of mis-cultivation, mis-distribution and mis-use - Did the Court of Appeal fail to address the issue of whether the harm principle applies to growers and dealers of cannabis who arguably play an essential role in cannabis harm reduction? - Whether the Court of Appeal erred in not considering the principle of equality found in s. 15 of the *Charter* as it applies to "substance orientation" and in not applying equality to every producer and distributor of stimulants and relaxants, whether bean, grape, herb or otherwise - Whether the Court of Appeal erred in holding that the trial result would not have been different if certain evidence had been admitted.

PROCEDURAL HISTORY

February 18, 1998 British Columbia Supreme Court (Curtis J.)	Applicant convicted under s. 4 of the *Narcotic Control Act* (now s.5(2) of the *Controlled Drugs and Substances Act*); Applicant's application to call evidence in constitutional challenge dismissed
June 2, 2000 British Columbia Court of Appeal (Rowles, Prowse [*dissenting*] and Braidwood JJ.A.)	Appeal against conviction dismissed
July 31, 2000 Supreme Court of Canada	Notice of appeal as of right filed

October 6, 2000 Supreme Court of Canada (Lebel J.)	Application for an extension of time granted
October 31, 2000 Supreme Court of Canada	Application for leave to appeal filed
November 27, 2000 Supreme Court of Canada	Motion to quash filed

Christopher James Clay

v. (28189)

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

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Narcotics - Whether the Court of Appeal erred in holding that so long as there was a reasonable apprehension of harm, an activity that is done in privacy and which involves no one but the actor may be the subject of a criminal prohibition and still be in accordance with the *Charter* s. 7 "principles of fundamental justice" - Whether the Court of Appeal erred in holding that the criminalization of the private consumption (and cultivation necessarily incidental to that private consumption) is not *ultra vires* Parliament - Whether the Court of Appeal erred in holding that the *Narcotic Control Act* should be interpreted to allow for the criminal prohibition of possessing and cultivating plants (or other substances) which have no psychoactive effects and are used exclusively as an industrial product.

PROCEDURAL HISTORY

August 14, 1997 Superior Court of Justice (McCart J.)	Applicant convicted of trafficking in a narcotic, possessing a narcotic for the purpose of trafficking and cultivating marijuana contrary to ss. 4(1), 4(2) and 6(1) of the *Narcotic Control Act*
July 31, 2000 Court of Appeal for Ontario (Catzman, Charron and Rosenberg JJ.A.)	Appeal against conviction dismissed
October 13, 2000 Supreme Court of Canada (LeBel J.)	Motion to extend time granted
October 17, 2000 Supreme Court of Canada	Application for leave to appeal filed
October 25, 2000 Supreme Court of Canada (Arbour J.)	Motion to extend time granted

Ville de Beaupré

c. (27938)

Station Mont Sainte-Anne Inc. (9007-8635 Québec Inc.) (Qué.)

NATURE DE LA CAUSE

Droit municipal - Évaluation - Droit administratif - Contrôle judiciaire - Évaluations foncières de valeur réelle en droit immobilier - Technique du revenu conduit-elle à détermination de valeur réelle d'immeuble? - Dépréciation imposée par Bureau de révision de l'évaluation foncière du Québec à valeur du terrain en raison de restriction contractuelles à l'usage respecte-t-elle articles 39, 42 et 46? - Choix des "ventes comparables" retenu par B.R.E.F. respecte-t-il article 43 (usage optimal d'un immeuble pour en établir valeur réelle)? - *Loi sur la fiscalité municipale*, L.R.Q., c. F-2.1.

HISTORIQUE PROCÉDURAL

Le 11 juin 1997 Cour du Québec, Chambre civile (Sheehan j.c.q.)	Requête en révision judiciaire de la décision du Bureau de révision de l'évaluation foncière rejeté
Le 27 mars 2000 Cour d'appel du Québec (Baudouin, Robert et Thibault jj.c.a.)	Appel rejeté
Le 14 juin 2000 Cour suprême du Canada (Bastarache J.)	Demande de prorogation de délai accordée
Le 30 juin 2000 Cour suprême du Canada	Demande d'autorisation d'appel déposée

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

Philip Martin Luke

v. (28131)

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

NATURE OF THE CASE

Criminal Law - Evidence - Exceptions to hearsay rule - Prior inconsistent statements of witness in murder trial - Key Crown witness testifies at trial that he did not previously state he was the killer - Witnesses testify he had made prior statements to the effect that he was the killer - Whether statements were admissible only to assess witness's credibility or as proof of the truth of their contents - Whether jury properly charged on statements.

PROCEDURAL HISTORY

December 19,1989	Conviction for second degree murder, sentence of life

Ontario Court (General Division) (Maloney J.)	imprisonment without eligibility for parole for twelve years
September 7, 1993 Court of Appeal for Ontario (Robins, Krever, Carthy JJ.A.)	Appeals from conviction and sentence dismissed
September 18, 2000 Supreme Court of Canada	Applications for time extension and leave to appeal filed

Art Klapstein and Jean Klapstein

v. (28102)

Alberta Mortgage and Housing Corporation (Alta.)

NATURE OF THE CASE

Procedural law - Pre-trial procedure - Summary judgment - Amendment of pleadings - Appellate practice - Chambers judge dismissing application to amend amended statement of defence to add defence of repudiation - Court of Appeal declining to interfere with decision - Whether chambers judge's decision should be considered discretionary - Proper role of appellate courts in reviewing discretionary orders.

PROCEDURAL HISTORY

July 23, 1998 Court of Queen`s Bench of Alberta (Master Alberstat)	Respondent's application for summary judgment dismissed
September 29, 1999 Court of Queen's Bench of Alberta (Lee J.)	Applicants given 60 days to apply for leave to amend their pleadings; if Applicants fail to make that application or are unsuccessful, Respondent to be granted summary judgment
December 8, 1999 Court of Queen's Bench of Alberta (Lee J.)	Applicants' application to amend amended statement of defence to add defence of repudiation dismissed
June 5, 2000 Court of Appeal of Alberta (McClung, Russell and Sulatycky JJ.A.)	Appeal dismissed
September 5, 2000 Supreme Court of Canada	Application for leave to appeal filed

The Corporation of the City of Thunder Bay

v. (28096)

Barbara Larson (Ont.)

NATURE OF THE CASE

Torts - Municipal law - Occupiers' Liability - Interaction between *Occupier's Liability Act*, R.S.O. 1990, c. O.2 and *Municipal Act*, R.S.O. 1990, c. M.45 - Legal test to determine what is a "sidewalk" in law - Whether standard of gross negligence should have been found to apply to Applicant - Whether actions of Applicant were grossly negligent as defined in subsection 284(4) *Municipal Act* - Whether Court of Appeal erred in substituting its own findings in absence of manifest error - General rule or principle of law relating to the applicability of section 10(2) of the *Occupier's Liability Act*, in addition to the standard of gross negligence as found in section 284(4) of the *Municipal Act*.

PROCEDURAL HISTORY

January 5, 1999 Ontario Court of Justice (General Division) (McCartney J.)	Respondent's action allowed
June 8, 2000 Court of Appeal for Ontario (Borins, MacPherson and Sharpe JJ.A)	Appeal dismissed
August 30, 2000 Supreme Court of Canada	Application for leave to appeal filed

---

Jeannette Walsh, Estate Trustee of the Estate of David G. Walsh, deceased, Jeannette Walsh, personally and T. Stephen McAnulty

v. (28307)

3218520 Canada Inc., 662492 Ontario Inc. and Osamu Shimizu

AND BETWEEN:

John B. Thorpe

v.

3218520 Canada Inc., 662492 Ontario Inc. and Osamu Shimizu

AND BETWEEN:

Paul M. Kavanagh, Hugh C. Lyons, Rolando C. Francisco

v.

Donald Carom, 3218520 Canada Inc., 662492 Ontario Inc. and Osamu Shimizu, Eugene Schomberger (Ont.)

NATURE OF THE CASE

Procedural law - Civil Procedure - Actions - Class actions - Class proceedings - Certification - *Class Proceedings Act, 1992*, S.O. 1992, c. 6, s. 5 - Common issues, s. 5(1)(c) - Preferable procedure, s. 5(1)(d) - Shareholders of gold mine suffering loss when share values plummeting after disclosure that there were no gold deposits - Allegation that Bre-X defendants conspired to increase share prices for their own benefit - Representative plaintiffs seeking certification of class proceedings of actions framed in conspiracy, fraudulent misrepresentation, negligent misrepresentation and breach of the *Competition Act* - Class proceeding certified for 15 common issues - Whether the claim in negligent misrepresentation raises a common issue - Whether a class proceeding is the preferable procedure for resolving the negligent misrepresentation claim - Whether the Court of Appeal erred in law and in principle in certifying the class action with respect to the negligent misrepresentation claim - Whether the Court of Appeal erred in finding that a class proceeding is the preferable procedure for the resolution of the negligent misrepresentation claim - Whether there are conflicting appellate decisions - Whether there are conflicting approaches to the interpretation and application of the principles of certifying a class action - Whether the Court of Appeal erred in interfering with the motions judge's exercise of discretion.

PROCEDURAL HISTORY

June 23, 1999 Superior Court of Justice (Winkler J.)	Action against Nancy Jane McAnulty stayed pending determination of claims against T. Stephen McAnulty, she is bound by the common issues determination; Action certified as a class proceeding against Bre-X Minerals Ltd., Bresea Resources Ltd., John B. Felderhof, Jeannette Walsh, Estate Trustee of the Estate of David G. Walsh, deceased and Jeannette Walsh personally, T. Stephen McAnulty, John B. Thorpe, Rolando C. Francisco, Hugh C. Lyons and Paul M. Cavanaugh; Motion to certify action as class proceeding against Nesbitt Burns Inc. and Egizio Bianchini dismissed without costs; Order defining and declaring the class; Order appointing 3218520 Canada Inc., 662492 Ontario Limited and Osamu Shimizu as representative parties for the Class; Donald Carom removed as a representative plaintiff; Declaration of 15 common issues for the Class against the Certified Defendants; Order that there are no common issues for claims in negligent misrepresentation and aggravated damages; Finding that a class proceeding is the preferable procedure for the 15 common issues; Order that Jeannette Walsh, Estate Trustee of the Estate of David G. Walsh, deceased, Jeanette Walsh personally and T. Stephen McAnulty pay to 3218520 Canada Inc., 662492 Ontario Limited and Osamu Shimizu costs of the certification motion
December 6, 1999	Appeal of Respondents 3218520 Canada Inc., 662492

Superior Court of Justice (Divisional Court) (O'Driscoll, Campbell, MacFarland JJ.)	Ontario Limited and Osamu Shimizu dismissed with costs in the sum of $3,000 per respondent
October 31, 2000 Court of Appeal for Ontario (Finlayson, Feldman, MacPherson JJ.A.)	Appeal allowed; paragraph 9 of Order of Winkler J. amended by deleting reference to the claim in negligent misrepresentation; Costs of appeal, motion for leave to appeal and costs in the Divisional Court awarded the Respondents 3218520 Canada Inc., 662492 Ontario Limited and Osamu Shimizu
December 7, 2000 Supreme Court of Canada	First Application for leave to appeal filed
December 22, 2000 Supreme Court of Canada	Second Application for leave to appeal filed
December 27, 2000 Supreme Court of Canada	Third Application for leave to appeal filed

MOTION FOR RECONSIDERATION / DEMANDE DE RÉEXAMEN

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

1. Frederick W.L. Black v. Her Majesty the Queen (N.S.)(Crim.)(By Leave)(27837)

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

1. Raoul Martens v. Gulfstream Resources Canada Limited (Alta.)(Civil)(By Leave)(27638)

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

1. Salvatore Gramaglia v. The Attorney General of Canada (F.C.)(Civil)(By Leave)(27729)

FEBRUARY 1, 2001 / LE 1ER FÉVRIER 2001

28085 **GREAT PACIFIC PUMICE - v. - DISTRICT OF SQUAMISH** (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

Municipal law - By-law - Zoning - Statute - Interpretation - Crown land leased to a private business entity, whether that entity is exempt from compliance with municipal zoning by-laws by virtue of s. 14(2) of the *Interpretation Act*, R.S.B.C. 1996, c. 238 - Whether the Crown land leased for commercial or other purposes to an individual or a corporation in the private sector comes within the "exclusion" of s. 14(2) of the *Interpretation Act* - Whether the Court of Appeal erred in law in failing to find that the lessee could not assert the exemption provided by s. 14(2) of the *Interpretation Act* as a defence to a municipality seeking to enforce its zoning bylaw.

PROCEDURAL HISTORY

February 17, 1999 Supreme Court of British Columbia (Williams C.J.B.C.)	Respondent's application seeking mandatory and permanent injunctions against the Applicant and a declaration that the Applicant's activities on Crown land contravene the zoning by-law dismissed with costs
May 23, 2000 Court of Appeal of British Columbia (Prowse, Newbury and Braidwood JJ.A.)	Respondent's appeal allowed in part with costs
August 23, 2000 Supreme Court of Canada	Application for leave to appeal filed
October 24, 2000 Supreme Court of Canada (Arbour J.)	Motion for an extension of time granted

28057 **UNITED FOOD AND COMMERCIAL WORKERS, LOCAL 319W - v. - COCA-COLA BOTTLING LTD. AND AN ARBITRATION BOARD CHAIRED BY MS. SUSAN B. BARBER** (Sask.) (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

Civil rights - Labour law - Arbitration - Collective agreement - Human rights - Discrimination on the basis of disability - Whether employers can discriminate in relation to benefits or terms and conditions of employment against disabled workers who are absent from the workplace due to their disability - Meaning of the words "actively at work" - Whether a bonus provision in a collective agreement contravened the prohibition in s. 16(1) of *The Saskatchewan Human Rights Code*, S.S. 1979, c. S-24.1 against discrimination in the terms and conditions of employment on the basis of disability.

PROCEDURAL HISTORY

November 18, 1999 Court of Queen's Bench of Saskatchewan (Smith J.)	Applicant's application for judicial review dismissed
May 24, 2000 Court of Appeal for Saskatchewan (Cameron, Gerwing and Sherstobitoff JJ.A.)	Applicant's appeal dismissed
August 11, 2000 Supreme Court of Canada	Application for leave to appeal filed

---

28058 **UNITED FOOD AND COMMERCIAL WORKERS, LOCAL 1400 - v. - THE REAL CANADIAN SUPERSTORE, (A DIVISION OF WESTFAIR FOODS LTD.) AND AN ARBITRATION BOARD CHAIRED BY MERRILEE RASMUSSEN, Q.C.** (Sask.) (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

Civil rights - Labour law - Arbitration - Collective agreement - Human rights - Discrimination on the basis of disability - Whether employers can discriminate in relation to benefits or terms and conditions of employment against disabled workers who are absent from the workplace due to their disability - Whether a bonus provision in a collective agreement contravened the prohibition in s. 16(1) of *The Saskatchewan Human Rights Code*, S.S. 1979, c. S-24.1 against discrimination in the terms and conditions of employment on the basis of disability.

PROCEDURAL HISTORY

November 18, 1999 Court of Queen's Bench of Saskatchewan (Smith J.)	Respondent Real Canadian Superstore's application for judicial review and motion to quash the interim award of the Respondent Arbitration Board granted
May 24, 2000 Court of Appeal for Saskatchewan (Cameron, Gerwing and Sherstobitoff JJ.A.)	Applicant's appeal dismissed
August 11, 2000 Supreme Court of Canada	Application for leave to appeal filed

---

28105 **NATIONAL AUTOMOBILE, AEROSPACE, TRANSPORTATION AND GENERAL WORKERS UNION OF CANADA - v. - SUN LIFE ASSURANCE COMPANY OF CANADA, HONEYWELL LIMITED / AEROSPACE DIVISION AND MORTON G. MITCHNICK** (Ont.) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for leave to appeal is dismissed with costs to Sun Life Assurance Company of Canada and Honeywell Limited/Aerospace Division.

La demande d'autorisation d'appel est rejetée avec dépens à Sun Life Assurance Company of Canada et Honeywell Limited/Aerospace Division.

NATURE OF THE CASE

Labour law - Arbitration - Jurisdiction - Collective agreement - Long term disability benefits - Whether the Supreme Court's decisions in *St. Anne Nackawic Pulp & Paper Co. Ltd. v. Canadian Paperworkers Union, Local 219*, [1986] 1 S.C.R. 704, and *Weber v. Ontario Hydro*, [1995] 2 S.C.R. 929, and the Ontario Court of Appeal's decision in *Pilon v. International Minerals and Chemical Corp.* (1996), 31 O.R. (3d) 210, extend the arbitrator's exclusive jurisdiction to disputes arising from insured benefit provisions contained in a collective agreement between a union and an employer - Whether the arbitrator has jurisdiction under the common law to add an insurer as a party defendant to arbitration proceedings- Whether an arbitrator has such jurisdiction under s. 48 of the *Labour Relations Act, 1995*, S.O. 1995, c. 1, Sch. A. - Whether the decision in *Pilon* is consistent with previous arbitral jurisprudence - Whether the parties to a collective agreement are competent to negotiate substantive benefits that are not enforceable through grievance and arbitration?

PROCEDURAL HISTORY

October 7, 1998 Ontario Court of Justice (General Division) Divisional Court (Bell, Sharpe and McKinnon JJ.)	Application for judicial review allowed; arbitrator's decisions quashed
July 13, 2000 Court of Appeal for Ontario (Carthy, Goudge, and O'Connor JJ.A.)	Appeal dismissed
September 1, 2000 Supreme Court of Canada	Application for leave to appeal filed

28090 **COOPERS AND LYBRAND, TRUSTEES IN BANKRUPTCY OF 350914 ALBERTA LTD. (FORMERLY NORALTA METAL FABRICATIONS INC.), 350914 ALBERTA LTD. (FORMERLY NORALTA METAL FABRICATORS INC.) - v. - THE TRUSTEES OF THE EDMONTON PIPE INDUSTRY PENSION PLAN TRUST FUND, THE TRUSTEES OF THE EDMONTON PIPE INDUSTRY HEALTH AND WELFARE TRUST FUND, THE TRUSTEES OF THE EDMONTON PIPE INDUSTRY EDUCATIONAL TRUST FUND, THE TRUSTEES OF THE EDMONTON SUPPLEMENTARY BENEFIT TRUST FUND, THE TRUSTEES OF THE LOCAL 488 MARKET ENHANCEMENT RECOVERY TRUST FUND, LOCAL UNION 488 OF THE UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND PIPEFITTING INDUSTRY OF THE UNITED STATES AND CANADA AND BOARD OF TRUSTEES OF THE EDMONTON PIPE INDUSTRY PENSION PLAN** (Alta.) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for leave to appeal is dismissed with costs to the Trustees of the Edmonton Pipe Industry Pension Plan Trust Fund, the Trustees of the Edmonton Pipe Industry Health and Welfare Trust Fund, The Trustees of the Edmonton Pipe Industry Educational Trust Fund, The Trustees of the Edmonton Supplementary Benefit Trust Fund, The Trustees of the Local 488 Market Enhancement Recovery Trust Fund, Local Union 488 of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada.

La demande d'autorisation d'appel est rejetée avec dépens en faveur des administrateurs du Edmonton Pipe Industry Pension Plan Trust Fund, des administrateurs du Edmonton Pipe Industry Health and Welfare Trust Fund, des administrateurs du Edmonton Pipe Industry Educational Trust Fund, des administrateurs du Edmonton Supplementary Benefit Trust Fund, des administrateurs du Local 488 Market Enhancement Recovery Trust Fund, section locale 488 de l'Association unie des compagnons et apprentis de l'industrie de la plomberie et de la tuyauterie des États-Unis et du Canada.

NATURE OF THE CASE

Commercial law - Bankruptcy - Priorities - Exemption from distribution - Trust property - Whether Court of Appeal erred in determining that a common law trust had been created and that the requirement for certainty of subject matter had been satisfied.

PROCEDURAL HISTORY

September 25, 1998 Court of Queen's Bench of Alberta (Smith J.)	Respondents' application for a declaration that funds held by Applicant were held in trust for the Respondents dismissed
May 25, 2000 Court of Appeal of Alberta (McClung, Hunt and Wittmann JJ.A.)	Respondents' appeal allowed; $182,802.31 declared to be trust property
August 24, 2000 Supreme Court of Canada	Application for leave to appeal filed

28212 **RAMDAT NARAIN - v. - HER MAJESTY THE QUEEN** (Ont.) (Criminal)

CORAM: L'Heureux-Dubé, Bastarache and LeBel JJ.

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

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

NATURE OF THE CASE

Criminal law - Burden/Onus of proof - Whether the court of appeal erred by concluding that the trial judge's application of the test for rebutting evidence of recent possession of stolen goods did not reverse the onus of proof - Whether the court of appeal erred by effectively applying the curative proviso of s. 686(1)(iii) of the *Criminal Code* to the trial judge's error with respect to recent possession - Whether this Court has not set out the precise limits of the doctrine of recent possession and its effect on the normal criminal burden of proof.

PROCEDURAL HISTORY

July 6, 1998 Ontario Court (Provincial Division) (Paris J.)	Applicant convicted of sexual assault, unlawful confinement and uttering a death threat
October 5, 1999 Court of Appeal for Ontario (Catzman, Charron, Rosenberg JJ.A.)	Appeal dismissed
October 4, 2000 Supreme Court of Canada	Motion for an extension of time and application for leave to appeal filed

---

28119 **PRESTEVE FOODS LIMITED AND SYLVIA PANKHURST - v. - HER MAJESTY THE QUEEN** (Ont.) (Criminal)

CORAM: L'Heureux-Dubé, Bastarache and LeBel JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Criminal law - Limits on a non-accused third party's right to apply for a writ of *certiorari* to challenge the lawfulness of a search warrant executed on their property - Whether sufficient basis for concluding that there would be evidence found at the place to be searched; namely, the residence of an innocent third party - Does *Bisson v. Attorney General for Canada*, [1994] 3 S.C.R. 1097 stand for proposition that material non-disclosure cannot in and of itself justify an order quashing a search warrant.

PROCEDURAL HISTORY

October 25, 1999 Superior Court of Justice	Application for *certiorari* to quash a search warrant denied

(Whalen J.)

June 21, 2000 — Appeal dismissed
Court of Appeal for Ontario
(McMurtry C.J.O., Laskin and Borins JJ.A.)

September 12, 2000 — Application for leave to appeal filed
Supreme Court of Canada

28055 **PARAMOUNT TOWING LTD. - v. - WOODRIDGE LINCOLN MERCURY SALES LTD., IN THE NAME AND ON BEHALF OF DOVER TOWING (1995) LTD.** (Alta.) (Civil)

CORAM: L'Heureux-Dubé, Arbour and LeBel 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 - Parol evidence rule - What is the impact of an "entire agreement clause"? - Did the Court of Appeal of Alberta fundamentally misdirect itself in failing to apply an exception to the parole evidence rule? - Did Court of Appeal of Alberta fundamentally misdirect itself in failing to consider the equitable defence of estoppel?

PROCEDURAL HISTORY

September 24, 1999 — Respondent's action dismissed
Court of Queen's Bench of Alberta
(Dixon J.)

May 10, 2000 — Appeal allowed; Applicant ordered to pay the Respondent the sum of $15,221.17 plus interest
Court of Appeal of Alberta
(Fraser C.J.A. and Berger and Fruman JJ.A.)

August 9, 2000 — Application for leave to appeal filed
Supreme Court of Canada

28281 **C.T. - c. - L.G.** (Qué.) (Civile)

CORAM: Les juges L'Heureux-Dubé, Arbour et LeBel.

La demande d'autorisation d'appel est rejetée.

The application for leave to appeal is dismissed.

NATURE DE LA CAUSE

Droit de la famille - Pension alimentaire - La Cour d'appel a-t-elle erré quant à: la pension alimentaire pour le fils du demandeur; l'augmentation des revenus du demandeur; la pension alimentaire pour l'intimée; et le partage du patrimoine familial.

HISTORIQUE PROCÉDURAL

Le 6 avril 2000 Cour supérieure du Québec (Lebel j.c.s.)	Ordonnances: demandeur doit payer à l'intimée pour les enfants une pension alimentaire de 500,$ par mois; demandeur doit payer à l'intimée pour elle-même une pension alimentaire de 400,$ par mois; partage inégal du patrimoine familial
Le 1 novembre 2000 Cour d'appel du Québec (Dussault, Thibault et Rochette jj.c.a.)	Appel accueilli en partie; en exécution du partage du patrimoine familial, le demandeur doit payer à l'intimée un montant de 2 500$
Le 11 décembre 2000 Cour suprême du Canada	Demandes d'autorisation d'appel et de suspension d'instance déposées
Le 21 décembre 2000 Cour suprême du Canada (Lebel j.)	Demande de suspension d'instance rejetée

---

28168 **DENIS POULIOT - c. - SA MAJESTÉ LA REINE** (Qué.) (Criminelle)

CORAM: Les juges L'Heureux-Dubé, Arbour et LeBel.

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

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

NATURE DE LA CAUSE

Charte canadienne des droits et libertés - Droit criminel - Plaidoyer de culpabilité - Est-ce qu'une offre conjointe conditionnelle aux plaidoyers de culpabilité de tout les coaccusés place le demandeur dans une situation psychologique intenable de façon à forcer le demandeur à enregistrer un plaidoyer de culpabilité contre son gré? - Est-ce qu'une offre conjointe conditionnelle aux plaidoyers de culpabilité de tout les coaccusés menant un accusé à renoncer à son droit à un procès, contrevient à l'article 11(d) de la *Charte canadienne des droits et libertés?*

HISTORIQUE PROCÉDURAL

Le 11 avril 1995 Cour supérieure du Québec (Martin j.c.s)	Demandeur reconnu coupable de meurtre au deuxième degré et condamné à une peine d'emprisonnement à perpétuité, sans éligibilité pour libération conditionnelle pour une période de 10 ans
Le 9 mai 2000 Cour d'appel du Québec (Beauregard, Robert, Biron (*ad hoc)* jj.c.a)	Pourvoi rejeté: Déclaration permettant la recevabilité de nouveaux éléments de preuve
Le 28 septembre 2000 Cour suprême du Canada	Demande d'autorisation d'appel et requête en prorogation de délai déposées

---

27990 **JAMES KING - v. - BOARD OF COMMISSIONERS OF PUBLIC UTILITIES, J.A.G. MACDONALD, R.E. GOOD, C.W. EARLE, G.F. LAWRENCE AND TOM E. WILLIAMS** (Nfld.) (Civil)

CORAM: Gonthier, Binnie and Arbour JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Administrative law - Remedies - Torts - Negligence - Procedural law - Appeal - Judgments, Orders - Whether the court of appeal erred in finding no discernable potential merit in the Applicant's case - Whether the court of appeal erred in not recognizing that the Applicant was denied the opportunity to establish bad faith when the trial judge refused to let the Applicant examine the individual commissioners under oath - Whether the court of appeal erred in its interpretation of the onus of proof according to the *Motor Carrier Act* - Whether it is unjust that the Applicant is left without a remedy in light of the finding of the lower court that the approval by the Respondents was a "mockery of the system".

PROCEDURAL HISTORY

June 30, 1992 Supreme Court of Newfoundland, Trial Division (Lang J.)	Applicant's action for damages dismissed with costs
April 26, 2000 Supreme Court of Newfoundland, Court of Appeal (Marshall, Mahoney and Steele JJ.A.)	Applicant's application to reinstate a notice of appeal that had been struck down for want of prosecution dismissed without costs, trial judge's cost award repealed
June 23, 2000 Supreme Court of Canada	Application for leave to appeal filed

---

27991 **THE NORTH WEST COMPANY INC - v. - CONSTRUCTION GENERAL LABOURERS, ROCK AND TUNNEL WORKERS, LOCAL 1208 AND NEWFOUNDLAND LABOUR RELATIONS BOARD** (Nfld.) (Civil)

CORAM: Gonthier, Binnie and Arbour JJ.

The application for leave to appeal is dismissed with costs to Construction General Labourers, Rock and Tunnel Workers, Local 1208.

La demande d'autorisation d'appel est rejetée avec dépens en faveur de Construction General Labourers, Rock and Tunnel workers, Local 1208.

NATURE OF THE CASE

Labour law - Administrative law - Certification - Judicial review - Approach to be taken for statutory interpretation - Application of unreasonableness test of judicial review - Jurisdiction of administrative tribunal to freshly decide the sufficiency of that untested evidence after hearing - Evidentiary value of a secret report to the trier of fact and law once a hearing has been held under rules of natural justice.

PROCEDURAL HISTORY

June 22, 1999 Supreme Court of Newfoundland, Trial Division (Lang J.)	Respondents' application for certiorari granted; Labour Relations Board order quashed and Respondents' application for certification remitted to Board for reconsideration
April 26, 2000 Supreme Court of Newfoundland Court of Appeal (Gushue, Marshall and Cameron [dissenting] JJ.A.)	Appeal dismissed
June 26, 2000 Supreme Court of Canada	Application for leave to appeal filed

---

28050 **ABITIBI-CONSOLIDATED INC. (GRAND FALLS DIVISION) - v. - COMMUNICATIONS, ENERGY AND PAPERWORKS UNION OF CANADA, LOCAL 63** (Nfld.) (Civil)

CORAM: Gonthier, Binnie and Arbour 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 - Collective Agreement - Lockout - Interpretation of the word lockout in a collective agreement - Standard of review - Whether the board's interpretation should be afforded curial deference where it purports to encompass matters outside the constitutional competence of that authority enacting the legislative definition - How is an arbitration board to select from equally compelling, but opposite, inferences from the evidence - Whether a negative or any inference as to subjective intent to lockout can be drawn by the board.

PROCEDURAL HISTORY

July 21, 1998 Arbitration Board (Oakley (Chairperson) and Grimes, Taylor (dissenting))	Applicant's actions amounted to a lockout contrary to Article 7.01 of the collective agreement
March 1, 1999 Newfoundland Supreme Court (Trial Division) (Riche J.)	Application for judicial review allowed: decision of the board set aside with costs on a party and party basis
May 12, 2000 Supreme Court of Newfoundland (Court of Appeal) (Marshall, Mahoney and Roberts JJ.A.)	Appeal allowed: award of the Arbitration Board reinstated with costs on a party and party basis throughout
August 10, 2000 Supreme Court of Canada	Application for leave to appeal filed

---

28196 **LA COMMISSION SCOLAIRE ENGLISH-MONTRÉAL, BRUNO UGOLINI ET ADÈLE MARONE - c. - LA PROCUREURE GÉNÉRALE DU QUÉBEC, LE MINISTRE DE L'ÉDUCATION, - et - LA COMMISSION SCOLAIRE DE MONTRÉAL, LE CONSEIL D'ÉTABLISSEMENT DE L'ÉCOLE ST-BARTHÉLÉMY ET MICHEL LOCAS ET DOMINIQUE LEDUC** (Qué.) (Civile)

CORAM: Les juges Gonthier, Binnie et Arbour

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

The application for leave to appeal is dismissed with costs.

NATURE DE LA CAUSE

Procédure - Sursis d'exécution d'une loi - Commissions scolaires - La Cour d'appel du Québec a erré en substituant sa propre discrétion à celle du tribunal de première instance, en contravention avec les principes applicables à la suspension de dispositions législatives - La Cour d'appel du Québec s'est fondée sur une interprétation erronée des garanties accordées par l'article 23 de la *Charte canadienne des droits et libertés* et elle a fait défaut de reconnaître le sérieux de la question soulevée par les demandeurs - La Cour d'appel du Québec a donné à l'article 6 de la *Charte des droits et libertés de la personne*, L.R.Q. c. C-12 une interprétation qui la prive de son sens et qui permet au législateur de procéder à une expropriation arbitraire en contravention avec les garanties fondamentales du droit québécois en matière d'expropriation - La Cour d'appel du Québec a fait défaut de reconnaître le préjudice sérieux et irréparable subi par les demandeurs en raison de l'application de la *Loi* et le fait que ce préjudice est plus important que la situation de la mise en cause la Commission scolaire de Montréal - La Cour d'appel du Québec a illégalement admis en preuve des documents n'ayant aucune valeur probante, d'une façon qui portait atteinte au droit des demandeurs d'être adéquatement entendus par la Cour.

HISTORIQUE PROCÉDURAL

Le 29 juin 2000 Cour supérieure du Québec (Barbeau j.c.s.)	Requête accueillie; ordonnance de sursis de l'application des articles 1 à 6 de la *Loi 111* et d'exécution provisoire du jugement nonobstant appel
Le 17 août 2000 Cour d'appel du Québec (Baudouin, Deschamps et Robert jj.c.a.)	Pourvoi accueilli
Le 13 octobre 2000 Cour suprême du Canada	Demande d'autorisation d'appel déposée

---

27884 **CORNELIUS NEIL RYAN - v. - T. EATON CO. LTD.** (Ont.) (Civil)

CORAM: Gonthier, Binnie and Arbour 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

Commercial Law- Contracts- Damages - Damages resulting from breach of contracts- Whether damages alleged to have been caused by the licence arrangements can be held against the Respondent company for not acting within its legal rights in terminating the licence agreements - Whether the Court of Appeal and the claim officer erred in determining that the present issues of a contractual nature are not of public importance or significance and that damages should not be granted.

PROCEDURAL HISTORY

May 18, 1999 Superior Court of Justice (Lax J.)	Appeal of Claim officer's dismissal of the Applicant's claim in the restructuring of Eaton's under the *Companies' Creditors Arrangement Act* dismissed
February 17, 2000 Court of Appeal for Ontario (Austin, Laskin and Borins JJ.A.)	Application for leave to appeal dismissed
May 1, 2000 Supreme Court of Canada	Application for leave to appeal and motion for extension of time filed

---

28190 **THE VANCOUVER SUN - v. - HER MAJESTY THE QUEEN, O.N.E. AND THE ATTORNEY GENERAL OF CANADA** (B.C.) (Criminal)

CORAM: Gonthier, Major and Binnie JJ.

The application for leave to appeal is granted. It is ordered that the appeal be heard during the Spring session 2001.

La demande d'autorisation d'appel est accordée. Il est ordonné que l'appel soit entendu au cours de la session du printemps 2001.

NATURE OF THE CASE

Criminal law - Publication ban - Trial judge prohibiting publication of information regarding undercover police operation - Whether trial judge erred in failing to apply the test set out in *CBC v. Dagenais* when he upheld the publication ban - Whether trial judge erred in failing to appreciate the superordinate importance of the public interest - Access to judgments of the courts.

PROCEDURAL HISTORY

July 18, 2000 Supreme Court of British Columbia (Edwards J.)	Publication ban issued
August 11, 2000 Supreme Court of British Columbia (Edwards J.)	Application to partially set aside ban on publication dismissed
October 10, 2000 Supreme Court of Canada	Application for leave to appeal filed

---

28078 **CHIEF AND COUNCIL OF THE SHUBENACADIE INDIAN BAND - v. - ATTORNEY GENERAL OF CANADA, REPRESENTING THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPEMENT AND CANADIAN HUMAN RIGHTS COMMISSION** (FC) (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

Canadian Charter of Rights and Freedoms - Civil - Constitutional law - Division of powers - Constitutional jurisdiction - Indians - Human Rights legislation - Discrimination - Whether the *Canadian Human Rights Act* applies, and the Canadian Human Rights Commission and Tribunal have constitutional jurisdiction, in respect of the administration of social assistance by an Indian band to and in respect of non-Indians residing on an Indian reserve - Whether s. 67 of the *Canadian Human Rights Act*, R.S.C. 1985, c. H-6 exempts the band council's decision in this case - Whether ss. 25 and 15 of the *Charter* provide a constitutional exemption.

PROCEDURAL HISTORY

October 11, 1995 Human Rights Tribunal (Butler, Chairperson; Crooker, Morris)	Applicant had discriminated on the grounds of race or marital status contrary to s. 5 of the *CHRA*
October 30, 1997 Federal Court of Canada, Trial Division (Rothstein J.)	Judicial review dismissed
May 24, 2000 Federal Court of Appeal (Stone, Isaac, Sexton JJ.A)	Appeal dismissed with costs
August 18, 2000 Supreme Court of Canada	Application for leave to appeal filed

28071 **CHIEF RONNIE JULES, IN HIS PERSONAL CAPACITY AND AS REPRESENTATIVE OF THE ADAMS LAKE BAND, CHIEF STUART LEE, IN HIS PERSONAL CAPACITY AND AS REPRESENTATIVE OF THE SPALLUMCHEEN INDIAN BAND AND CHIEF ARTHUR MANUEL, IN HIS PERSONAL CAPACITY AND AS REPRESENTATIVE OF THE NESKONLITH INDIAN BAND, DAVID ANTHONY NORDQUIST, IN HIS PERSONAL CAPACITY AND AS REPRESENTATIVE OF THE ADAMS LAKE INDIAN BAND, THE SPALLUMCHEEN INDIAN BAND AND NESKONLITH INDIAN BAND AND ALL OTHER PERSONS ENGAGED IN THE CUTTING, DAMAGING OR DESTROYING OF CROWN TIMBER AT TIMBER SALE LICENCE A38029, BLOCK 2 - v. - HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA AS REPRESENTED BY THE MINISTER OF FORESTS - and between - CHIEF DAN WILSON IN HIS PERSONAL CAPACITY AND AS REPRESENTATIVE OF THE OKANAGAN INDIAN BAND AND ALL**

OTHER PERSONS ENGAGED IN THE CUTTING, DAMAGING OR DESTROYING OF CROWN TIMBER AT TIMBER SALE LICENCE A57614 - v. - HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA AS REPRESENTED BY THE MINISTER OF FORESTS (B.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

Constitutional law - Native law - Procedural law - Aboriginal title - Interlocutory injunction - Native people logging on Crown land without permits - Interlocutory injunction granted enjoining activities of native loggers pending trial of issue - Whether the B.C. Court of Appeal erred in the tests and principles it applied to granting a statute-based injunction in circumstances where the constitutionality of those statutory provisions are impugned based on s.35 of the *Constitution Act, 1982* - Whether the B.C. Court of Appeal erred in the tests and principles it applied to granting an equitable injunction to enjoin the exercise of asserted s.35 rights - Whether these are issues of public importance which ought to be decided by this Court.

PROCEDURAL HISTORY

November 12, 1999 Supreme Court of British Columbia (Sigurdson J.)	Respondent Minister's request for an interlocutory order restraining the Applicants from logging pending hearing of petition granted
May 17, 2000 Court of Appeal of British Columbia (Cumming, Newbury and Hall JJ.A.)	Applicants' appeal dismissed
August 15, 2000 Supreme Court of Canada	Application for leave to appeal filed

23.1.2001

Before / Devant: THE REGISTRAR

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

Requête en prorogation du délai imparti pour signifier et déposer le mémoire du procureur général du Manitoba

The Law Society of British Columbia

v. (27108)

Jaswant Singh Mangat, et al. (B.C.)

GRANTED / ACCORDÉE Time extended to February 16, 2001.

23.1.2001

Before / Devant: GONTHIER J.

Motion for extension of time and leave to intervene

Requête en prorogation de délai et en autorisation d'intervenir

BY/PAR: Canadian Bar Association

IN/DANS: Manickavasagam Suresh

v. (27790)

The Minister of Citizenship and Immigration, et al. (F.C.)

GRANTED / ACCORDÉE

UPON APPLICATION by the Canadian Bar Association for an extension of time and for leave to intervene in the above appeal;

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 Bar Association 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 interveners 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 respondents any additional disbursements occasioned to the appellant and respondents by the intervention.

23.1.2001

Before / Devant: THE REGISTRAR

Motion to extend the time in which to serve and file the appellants' factum and book of authorities

Requête en prorogation du délai imparti pour signifier et déposer les mémoire et cahier de jurisprudence et de doctrine des appelants

Privacy Commissioner of Canada

v. (27846)

Attorney General of Canada (F.C.)

and between

Deborah Smith

v. (27844)

Attorney General of Canada (F.C.)

GRANTED / ACCORDÉE Time extended to January 18, 2001.

23.1.2001

Before / Devant: THE REGISTRAR

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

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

Robert Martin Friedland, et al.

v. (27773)

United States of America, et al. (Ont.)

GRANTED / ACCORDÉE Time extended to April 30, 2001.

23.1.2001

Before /Devant: THE REGISTRAR

Motion to extend the time to March 2, 2001 to serve and file the respondent's factum

Requête en prorogation jusqu'au 2 mars 2001 du délai imparti pour signifier et déposer le mémoire de l'intimé

Frédéric St-Jean

c. (27515)

Denis Mercier (Qué.)

GRANTED IN PART / ACCORDÉE EN PARTIE Time extended to February 19, 2001.

23.1.2001

Before / Devant: THE CHIEF JUSTICE

Motion to state a constitutional question

Requête pour énoncer une question constitutionnelle

Chief Councillor Mathew Hill, also known as Tha-Iathatk, 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 Notices of intervention are to be filed on or before February 19, 2001.

The parties agreed to the following three questions:

1. Is s. 12(2)(*a*) in respect of the subject matter of s. 13(2)(*c*) and (*d*) of the *Heritage Conservation Act* in pith and substance law in relation to Indians or Lands reserved for the Indians, or alternatively, is the law in relation to property, and, therefore, within the exclusive legislative competence of the Province under section 92(13) of the *Constitution Act, 1867*?

2. If the impugned provisions of the *Heritage Conservation Act* are within provincial jurisdiction under s.92(13) of the *Constitution Act, 1867* do they apply to the subject matter of s. 13(2)(*c*) and (*d*) of the *Heritage Conservation Act*?

3. If the impugned provisions do not apply to the appellants *ex proprio vigore* do they nonetheless apply by virtue of s. 88 of the *Indian Act*?

26.1.2001

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

Kenneth Deane

v. (27776)

Her Majesty the Queen (Crim.)(Ont.)(As of Right)

Alan D. Gold and Maureen J. McGuire for the appellant.

Milan Rupic for the respondent.

DISMISSED / REJETÉ

THE CHIEF JUSTICE (orally):

This appeal comes to us as of right. Assuming without deciding that a voir dire should have been held, we all agree that this is a proper case to apply the proviso of s. 686(1)(*b*)(iii) of the *Criminal Code*.

The appeal is dismissed.

LE JUGE EN CHEF (oralement):

Le présent appel nous a été soumis de plein droit. En supposant, sans toutefois trancher la question, qu'un voir-dire aurait dû être tenu, nous sommes tous d'avis qu'il s'agit d'un cas où il convient d'appliquer le sous-al. 686(1)*b*)(iii) du *Code criminel*.

L'appel est rejeté.

26.1.2001

CORAM: Major, Bastarache, Binnie, Arbour and LeBel JJ.

Her Majesty the Queen

v. (27800)

Lorie Ferguson (Crim.)(Ont.)(As of Right)

M. David Lepofsky and Gregory J. Tweney for the appellant.

Alan D. Gold and Maureen J. McGuire for the respondent.

ALLOWED / ACCUEILLI

MAJOR J. (orally):

Mr. Gold, there are days like this in the lives of counsel. However, in spite of your admirable argument, we are all of the opinion that this appeal as of right be allowed, substantially for the reasons of Laskin J.A. in the Ontario Court of Appeal.

MAJOR J. (oralement):

Monsieur Gold, il y a des jours comme ça dans la vie d'un avocat. En effet, malgré votre admirable plaidoyer, nous sommes tous d'avis que le présent appel de plein droit doit être accueilli, essentiellement pour les motifs exposés par le juge Laskin de la Cour d'appel de l'Ontario.

AGENDA for the weeks beginning February 12 and February 19, 2001.
ORDRE DU JOUR pour les semaines commençant les 12 février et 19 février 2001.

The Court will not be sitting during the week of February 5, 2001.
La Cour ne siègera pas la semaine du 5 février 2001.

Date of Hearing/ Date d'audition	Case Number and Name/ Numéro et nom de la cause
2001/02/12	Motions / Requêtes
2001/02/13	Dwayne W. Hynes v. Her Majesty the Queen (Nfld.) (Criminal) (As of Right / By Leave) (27443)
2001/02/15	Ian Vincent Golden v. Her Majesty the Queen (Ont.) (Criminal) (By Leave) (27547)
2001/02/19	Tom Dunmore, et al. v. Attorney General for the Province of Ontario, et al. (Ont.) (Civil) (By Leave) (27216)
2001/02/20	Mattel Canada Inc., et al. v. Her Majesty the Queen, et al. (FC) (Civil) (By Leave) (27174)
2001/02/21	Werner Patek, et al. c. Sa Majesté la Reine (Qué.) (Criminelle) (De plein droit) (27817)
2001/02/23	Eric Arthur Berntson v. Her Majesty the Queen (Sask.) (Criminal) (As of Right) (27896)

NOTE:

This agenda is subject to change. Hearing dates should be confirmed with 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.

27443 ***Dwayne W. Hynes v. Her Majesty The Queen***

Canadian Charter of Rights and Freedoms - Criminal law - Procedure - Whether a judge or justice presiding at a preliminary inquiry is a court of competent jurisdiction for the purposes of an application under section 24(1) of the *Canadian Charter of Rights and Freedoms* to exclude evidence under s. 24(2) of the *Charter*.

The Appellant was charged with having committed offences under s. 220 of the *Criminal Code* (causing death by criminal negligence), s. 252(1)(b) (failure to stop at an accident scene) and s. 255(3) (impaired driving). In the process of a preliminary inquiry held into the charges, *voir dires* took place to determine the admissibility of the testimony of some Crown witnesses. During the *voir dires*, questions were raised whether any of the Appellant's *Charter* rights or freedoms had been violated by police in obtaining evidence in respect of the charges. Specifically, the issue was the admissibility of all statements alleged to have been made by the Appellant to investigating officers of the Royal Canadian Mounted Police at a time when the Appellant was detained by the police.

An application was made to the presiding justice on the preliminary inquiry, who was a judge of the Provincial Court of Newfoundland, for a declaration that he, sitting in that capacity, constituted "a court of competent jurisdiction" under s. 24(1) of the *Charter* to exercise discretion under s. 24(2), in respect of *Charter* violations, and if such were established, to decide whether to exclude Crown evidence. The justice dismissed the Appellant's application on the basis that he did not constitute a court of competent jurisdiction while filling that role.

A further application in the nature of *certiorari* and *mandamus*, to direct the preliminary inquiry justice to conduct the inquiry, was taken before a judge of the Trial Division. The application judge found that the authorities, specifically those emanating from the Supreme Court of Canada, precluded him from acceding to the Appellant's request and he dismissed the application. A majority of the Court of Appeal also dismissed the application.

Origin of the case:	Newfoundland
File No.:	27443
Judgment of the Court of Appeal:	July 2, 1999
Counsel:	David C. Day Q.C. for the Appellant Wayne Gorman Q.C. for the Respondent

27443 ***Dwayne W. Hynes c. Sa Majesté la Reine***

Charte canadienne des droits et libertés - Droit criminel - Procédure - Le juge qui préside l'enquête préliminaire est-il un tribunal compétent aux fins d'une demande fondée sur le par. 24(1) de la *Charte canadienne des droits et libertés* pour exclure un élément de preuve en application du par. 24(2) de la *Charte*?

L'appelant a été accusé d'avoir commis des infractions prévues à l'art. 220 du *Code criminel* (le fait de causer la mort par négligence criminelle), à l'al. 252(1)*b*) (défaut d'arrêter lors d'un accident) et au par. 255(3) (conduite avec capacité affaiblie). Au cours de l'enquête préliminaire sur les infractions, des voir-dire ont été tenus pour déterminer l'admissibilité du témoignage de certains témoins à charge. Durant les voir-dire, des questions ont été soulevées quant à savoir si la police avait porté atteinte à des droits et libertés que la *Charte* garantit à l'appelant lors de l'obtention d'éléments de preuve relatifs aux infractions. Plus particulièrement, la question litigieuse concernait l'admissibilité de l'ensemble des déclarations qu'aurait faites l'appelant aux enquêteurs de la Gendarmerie royale du Canada lorsqu'il était détenu par la police.

Une demande a été présentée au juge qui présidait l'enquête préliminaire, qui était un juge de la cour provinciale de Terre-Neuve, en vue d'obtenir un jugement déclaratoire statuant que le juge, siégeant en cette qualité, constituait «un tribunal compétent» au sens du par. 24(1) de la *Charte* pour exercer le pouvoir discrétionnaire prévu au par. 24(2), relativement aux violations de la *Charte*, et, si cela était établi, une décision sur la question de savoir s'il convenait d'exclure la preuve soumise par le ministère public. Le juge a rejeté la demande de l'appelant au motif qu'il ne constituait pas un tribunal compétent à ce titre.

Une autre demande sollicitant une ordonnance de la nature d'un *certiorari* et d'un *mandamus* qui aurait enjoint le juge qui présidait l'enquête préliminaire de tenir l'enquête a été soumise à un juge de la Section de première instance. Celui-ci a conclu que la jurisprudence, en particulier celle de la Cour suprême du Canada, l'empêchait de faire droit à la demande de l'appelant et a rejeté la demande. La Cour d'appel à la majorité a également rejeté la demande.

Origine:	Terre-Neuve
N^{o} du greffe:	27443
Arrêt de la Cour d'appel:	2 juillet 1999
Avocats:	David C. Day c.r. pour l'appelant Wayne Gorman c.r. pour l'intimée

27547 ***Ian Vincent Golden v. Her Majesty The Queen***

Canadian Charter of Rights and Freedoms - Criminal law - Whether the Court of Appeal erred in concluding that the strip search of the Appellant did not violate section 8 of the *Charter* - If the strip search of the Appellant violated section 8 of the *Charter*, would the admission of the evidence bring the administration of justice into disrepute under section 24(2) of the *Charter*?

The Toronto police had an operation underway involving a number of officers in an area where drug trafficking was known to take place. A police officer using a telescope was located in an unoccupied building approximately 70 feet across the street from a sandwich shop (the "shop"). He had a clear view into the shop and could see what went on there. He witnessed two transactions in which people went into the shop, receiving from the Appellant a white substance. The officer saw the Appellant take the substance out of his hand with the thumb and forefinger and give it to the others. He believed that it was cocaine. After the second transaction, he transmitted to other members of the team a description of the Appellant. Constable Ryan ("Ryan"), with his partner, Constable Powell ("Powell"), entered the shop and arrested the Appellant.

Ryan patted down the Appellant, looked in his pockets and found nothing. Ryan and his partner then opened a door leading to the basement and brought the Appellant there and continued the search. Ryan pulled back the Appellant's pants and underwear. Looking down, he saw some clear plastic wrap between the Appellant's buttocks as well as a white substance within the wrap (the "package"). The Appellant was flexing the muscles of his buttocks in order to prevent the officers from retrieving the package. On the landing at the top of a flight of stairs there was some physical interaction between the Appellant and the officers, particularly officer Ryan, who testified that the Appellant pushed him at one point and that he almost went down the stairs. Ryan thereupon pushed the Appellant against the wall face-first. There being concern that the landing was not a safe place in which to continue to search, and not wishing to go down a flight of steps, the officers brought the Appellant into the store. They excluded the patrons from the shop and secured the premises. The sole employee present remained in the shop. In a back area of the shop they had the Appellant bend over a table. From the street, it would have been possible to see only one of the Appellant's legs. The officers once again tried to retrieve the package. The Appellant was still using his muscles in such a way as to hold onto it. The Appellant then accidentally defecated. Powell found some yellow dish gloves in the shop which he put on. He then succeeded in retrieving the package.

The Appellant was convicted of possession of a narcotic for the purpose of trafficking. His application to have evidence excluded pursuant to ss. 8 and 24 of the *Charter* was denied. The Court of Appeal for Ontario dismissed the Appellant's appeal of his conviction and sentence.

Origin of the case:	Ontario
File No.:	27547
Judgment of the Court of Appeal:	September 23, 1999
Counsel:	David M. Tanovich for the Appellant Morris Pistyner for the Respondent

27547 ***Ian Vincent Golden c. Sa Majesté la Reine***

Charte canadienne des droits et libertés - Droit criminel - La Cour d'appel a-t-elle commis une erreur en concluant que la fouille à nu de l'appelant ne portait pas atteinte à l'article 8 de la *Charte*? - Si la fouille à nu de l'appelant porte effectivement atteinte à l'article 8 de la *Charte*, l'admission de la preuve déconsidérerait-elle l'administration de la justice aux termes du paragraphe 24(2) de la *Charte*?

La police de Toronto menait une opération impliquant un certain nombre de policiers dans un district dans lequel on savait que le trafic de stupéfiants était chose courante. Équipé d'un télescope, un policier se trouvait dans un immeuble vacant à environ 70 pieds de l'autre côté de la rue où se situait une sandwicherie. Il voyait clairement dans la sandwicherie et pouvait voir ce qui s'y passait. Il a été témoin de deux transactions au cours desquelles deux personnes sont entrées dans la sandwicherie pour recevoir de l'appelant une substance de couleur blanche. Le policier a vu l'appelant saisir la substance dans sa main avec son pouce et son index et la donner aux autres. Le policier estimait qu'il s'agissait de cocaïne. Au terme de la seconde transaction, il a transmis aux autres membres de l'équipe une description de l'appelant. L'agent Ryan («Ryan») et son partenaire, l'agent Powell («Powell»), ont fait irruption dans la sandwicherie et ont mis l'appelant en état d'arrestation.

Ryan a effectué une fouille sommaire de l'appelant, a fouillé ses poches et n'y a rien trouvé. Ryan et son partenaire ont ensuite ouvert une porte menant au sous-sol et ils y ont emmené l'appelant pour continuer la fouille. Ryan a tiré sur le pantalon et les sous-vêtements de l'appelant et, dirigeant son regard vers le bas, il a aperçu un sachet en plastique transparent entre les fesses de l'appelant, de même qu'une substance blanche à l'intérieur du sachet (le «paquet»). L'appelant contractait ses muscles fessiers pour empêcher les policiers de recueillir le paquet. Il y a eu des contacts physiques sur la marche palière, au sommet de la volée de marches, entre l'appelant et les policiers, particulièrement entre l'appelant et l'agent Ryan, qui a témoigné que l'appelant l'avait poussé à un certain moment et qu'il a failli débouler les escaliers. Ryan a donc poussé l'appelant face première contre le mur. Préoccupés par le fait que la marche palière n'était pas un endroit sécuritaire pour continuer la fouille et ne souhaitant pas débouler les escaliers, les policiers ont emmené l'appelant dans le restaurant. Ils ont fait sortir les clients et se sont assurés que les lieux étaient sécuritaires. Le seul employé en poste est demeuré à l'intérieur du restaurant. Dans un endroit à l'arrière du restaurant, ils ont exigé que l'appelant se penche par-dessus une table. De la rue, il aurait été possible de ne voir qu'une jambe de l'appelant. Les policiers ont à nouveau tenté de saisir le paquet. L'appelant se servait encore de ses muscles de manière à retenir le paquet. L'appelant a par la suite déféqué involontairement. Powell a trouvé dans le restaurant des gants de vaisselle jaunes, qu'il a enfilés. Il a ensuite réussi à récupérer le paquet en question.

L'appelant a été déclaré coupable de possession de stupéfiant en vue du trafic. La demande qu'il a présentée pour faire exclure la preuve en application des articles 8 et 24 de la *Charte* a été rejetée. La Cour d'appel de l'Ontario a rejeté l'appel interjeté par l'appelant de sa déclaration de culpabilité et de sa peine.

Origine:	Ontario
N° du greffe:	27547
Arrêt de la Cour d'appel:	le 23 septembre 1999
Avocats:	David M. Tanovich pour l'appelant Morris Pistyner pour l'intimée

27216 ***Tom Dunmore et al v. Attorney General for the Province of Ontario et al***

Canadian Charter of Rights and Freedoms - Civil - Freedom of Association - Equality rights - Labour law - Labour relations - Unions - Collective bargaining - Sections 2(*d*) and 15(1) of the *Canadian Charter of Rights and Freedoms* - Whether the exclusion of agricultural workers from Ontario's statutory labour relations system violates their freedom of association under s. 2(*d*) of the *Charter* - Whether the enactment of legislation which directly or indirectly results in the limitation of a fundamental freedom, through the intermediary, of private power constitutes government action subject to review under the *Charter* - Whether the exclusion of agricultural workers from Ontario's statutory labour relations system violates their rights to equal protection and benefit of the law under s. 15(1) of the *Charter* - Whether discrimination on the basis of membership in a group defined by occupational status, in circumstances where that status is associated with disadvantage and powerlessness in society, may constitute discrimination on a ground analogous to the enumerated grounds in s. 15(1) of the *Charter*?

In 1994, the Ontario Legislative Assembly adopted the *Agricultural Labour Relations Act, 1994*, S.O. 1994, c. 6 (the "*ALRA*"). Prior to this legislation, agricultural workers were excluded from the legislative framework governing trade unions and collective bargaining. Under the *ALRA*, agricultural workers were given the right to organize and bargain collectively. The *ALRA* recognized, however, certain special characteristics of the agricultural sector and prohibited strikes and lockouts, substituting in their place a dispute resolution process, the final stage of which was binding final offer selection by an arbitration board. In 1995, the *ALRA* was repealed pursuant to the adoption of the *Labour Relations and Employment Statute Law Amendment Act, 1995*, S.O. 1995, c. 1 (the "*LRESLAA*"). In addition to repealing the *ALRA*, the *LRESLAA* also provided that any agreements certified under the *ALRA* were terminated, as were any certification rights of trade unions. The net effect of the *LRESLAA* was to subject agricultural workers to the exclusion clause found in s. 3(b) of the *Labour Relations Act, 1995*, S.O. 1995, c. 1, Sch. A.

The Appellants are individual agricultural workers and union organizers and the United Food and Commercial Workers Union (the "UFCW"). The UFCW was established shortly after the enactment of the *ALRA*, and was certified as the bargaining agent for approximately 200 workers at the Respondent Highline Produce Limited mushroom factory farm in Leamington. During the period of the *ALRA*, the UFCW filed two further certification applications, one for the workers at the Respondent Kingsville Mushroom Farm Inc., and the other with respect to the workers at the Respondent, Fleming Chicks. Shortly after the repeal of the *ALRA*, the Appellants brought a constitutional challenge seeking an order striking down the *LRESLAA* on the ground that it infringed their rights under ss. 2(*d*) and 15(1) of the *Canadian Charter of Rights and Freedoms*. On December 9, 1997, the Appellants' application was dismissed by Sharpe J. of the Ontario Court (General Division). The Ontario Court of Appeal dismissed the Appellants' appeal from this decision.

Origin of the case:	Ontario
File No.:	27216
Judgment of the Court of Appeal:	January 26, 1999
Counsel:	Chris G. Paliare and Martin J. Doane for the Appellants Richard Stewart for the Respondent Attorney General Alan D'Silva for the Respondent Fleming Chicks

27216 ***Tom Dunmore et autres c. Procureur général de la province de l'Ontario et autres***

Charte canadienne des droits et libertés - Droit civil - Liberté d'association - Droit à l'égalité - Droit du travail - Relations de travail - Syndicats - Négociations collectives - Al. 2*d*) et par.15(1) de la *Charte canadienne des droits et libertés* - L'exclusion des travailleurs agricoles du régime législatif de relations de travail de l'Ontario viole-t-elle leur liberté d'association prévue à l'al. 2*d*) de la *Charte*? L'édiction d'une loi qui porte directement ou indirectement atteinte à une liberté fondamentale par l'intermédiaire d'un pouvoir privé constitue-t-elle une action gouvernementale susceptible de révision en vertu de la *Charte*? - L'exclusion des travailleurs agricoles du régime législatif de relations de travail de l'Ontario viole-t-elle leur droit à la même protection et au même bénéfice de la loi prévu au par.15(1) de la *Charte*? - Une discrimination du fait de l'appartenance à un groupe défini par le statut professionnel, lorsque ce statut est synonyme de désavantage et de privation de pouvoir dans la société, peut-elle constituer une discrimination fondée sur un motif analogue à ceux énumérés au par. 15(1) de la *Charte*?

En 1994, l'Assemblée législative de l'Ontario a adopté la *Loi de 1994 sur les relations de travail dans l'agriculture*, L.O. 1994, ch. 6 (la *LRTA*). Avant l'adoption de cette loi, les travailleurs agricoles étaient exclus du régime législatif régissant les organisations syndicales et les négociations collectives. La *LRTA* a conféré aux travailleurs agricoles le droit de s'organiser et de négocier collectivement. La *LRTA* a reconnu, toutefois, certaines caractéristiques spéciales relatives au secteur agricole et a interdit les grèves et les lock-out, les remplaçant par un mécanisme de règlement des différends qui menait à une dernière offre obligatoire choisie par un conseil d'arbitrage. En 1995, la *LRTA* a été abrogée à la suite de l'adoption de la *Loi de 1995 modifiant des lois en ce qui concerne les relations de travail et l'emploi*, L.O. 1995, ch. 1 (la *LMLRTE*). En plus de l'abrogation de la *LRTA*, la *LMLRTE* prévoyait également que les conventions collectives dont l'agent négociateur avait été accrédité aux termes de la *LRTA* prenaient fin, au même titre que les droits relatifs à l'accréditation syndicale. L'effet final de la *LMLRTE* a été de soumettre les travailleurs agricoles à la clause d'exclusion prévue à l'al. 3*b*) de la *Loi de 1995 sur les relations de travail*, L.O. 1995, ch. 1, annexe A.

Les appelants sont des travailleurs agricoles et des organisateurs syndicaux du Syndicat des travailleurs et travailleuses unis de l'alimentation et du commerce (le TUAC). Le TUAC a été établi peu après l'édiction de la *LRTA*, et a été accrédité en tant qu'agent négociateur d'environ 200 travailleurs de la ferme industrielle à champignons intimée, Highline Produce Limited, à Leamington. Lorsque la *LRTA* était en vigueur, le TUAC a déposé deux autres demandes d'accréditation, l'une pour les travailleurs de l'intimée, Kingsville Mushroom Farm Inc., et l'autre pour les travailleurs de l'intimée, Fleming Chicks. Peu après l'abrogation de la *LRTA*, les appelants ont contesté la validité constitutionnelle de la *LMLRTE* et ont sollicité une ordonnance d'annulation de celle-ci au motif qu'elle portait atteinte aux droits que leur garantissaient l'al. 2*d*) et le par. 15(1) de la *Charte canadienne des droits et libertés*. Le 9 décembre 1997, le juge Sharpe de la Cour de l'Ontario (Division générale) a rejeté la demande des appelants. La Cour d'appel de l'Ontario a rejeté l'appel que les appelants ont interjeté de cette décision.

Origine:	Ontario
N^{o} du greffe:	27216
Arrêt de la Cour d'appel:	26 janvier 1999
Avocats:	Chris G. Paliare et Martin J. Doane pour les appelants Richard Stewart pour l'intimé le procureur général Alan D'Silva pour l'intimée Fleming Chicks

27174 ***Mattel Canada Inc. v. Her Majesty The Queen***

Taxation - Customs and excise - Royalties - What is the standard of review required in this review of the *Customs Act* "sale for export" and "subsequent proceeds" issues - Whether Court of Appeal erred in finding that the transaction value of the goods must be adjusted upward pursuant to the s. 48(5)(*a*)(v) "subsequent proceeds" provision because the royalty payments accrued to the vendor - Whether the Court of Appeal erred in finding that the payment of royalties by the Appellant to Licensor X was not made as "condition of sale".

The Appellant corporation is part of the Mattel Group, which is headed by Mattel Inc. The Appellant acquires its goods through an ordering system controlled by Mattel Inc. Under that system, the goods ordered by the Appellant are invoiced by the manufacturer to Mattel Trading Company Limited, which then invoices Mattel Inc., which then invoices the Appellant. Title to the goods transfers at each stage, but the goods are shipped directly from Mattel Trading Company Limited to the Appellant, and the Appellant insures the goods from the moment they leave the factory. Invoices from Mattel Trading Company Limited and Mattel Inc. each reflect a mark-up for services and profit over the initial invoice from the manufacturer. Mattel Inc. is bound by contract to pay royalties for the right to manufacture or have manufactured, distribute or sell certain products, but the Appellant reimburses Mattel Inc. for those royalties by periodic payments.

In determining the transaction value of the items imported into Canada and the duty payable on those items, the Deputy Minister included the sums paid to Licensor X in the price paid or payable for the goods on the grounds that those sums were paid by the Appellant, directly or indirectly, as a condition of the sale of the goods for export to Canada. The Deputy Minister of National Revenue used the sale between Mattel Inc. and the Appellant to determine the transaction value respecting the reimbursements of licence fees paid by Mattel Inc. to the Master Licensors. The Appellant filed three appeals under s. 67 of the *Customs Act* from 11 decisions made by the Deputy Minister under s. 63(3) of the Act. At issue was the value of certain goods imported into Canada by the Appellant. Much of the information received by the Tribunal during the hearing was confidential.

The Canadian International Trade Tribunal found that, although it was true that the Act did not specify which transaction should be used for valuation purposes, the only sale for export in this case was between Mattel as vendor and the Appellant as purchaser. The manufacturers and Mattel Trading Company were not sufficiently independent from Mattel for true sales to have occurred between them. As a result, the Tribunal also found that ss. 49(5) and 50(2), which deal with two or more sales of identical or similar goods, were not relevant and dismissed the appeals on this issue. It further found that the payments were not made as a condition of the sale of the goods for export to Canada and that, on their reading of s. 48(5)(*a*)(iv), the royalties were not dutiable. The appeals were allowed on this issue.

The Deputy Minister of National Revenue appealed pursuant to s. 68 of the Act, and the Appellant cross-appealed. The Court of Appeal allowed the appeal in part, finding that the royalties were dutiable under s. 48(5)(*a*)(v), setting aside the Tribunal's decision not to include the payments to the Master Licensors in the value for duty of the imported goods and reaffirming the Deputy Minister's decision with respect to those payments. It dismissed the cross-appeal.

Origin of the case:	Federal Court of Appeal
File No.:	27174
Judgment of the Court of Appeal:	January 13, 1999
Counsel:	Richard S. Gottlieb/Darrel H. Pearson/Jeffery D. Jenkins for the Appellant Morris Rosenberg for the Respondent

27174 ***Mattel Canada Inc. c. Sa Majesté la Reine***

Droit fiscal - Douanes et accise - Redevances - Quelle est la norme de contrôle applicable à l'examen des questions relatives à la « vente pour exportation » et au « produit subséquent » de la *Loi sur les douanes*? - La Cour d'appel a-t-elle commis une erreur en concluant que la valeur transactionnelle des marchandises devait être ajustée à la hausse aux termes de la disposition relative au « produit subséquent » du sous-al. 48(5)*a*)(v) parce que les redevances doivent revenir au vendeur? - La Cour d'appel a-t-elle commis une erreur en concluant que les redevances versées par l'appelante au concédant de licence X n'ont pas été faites à titre de « condition de la vente »?

La société appelante fait partie du groupe Mattel, dirigé par Mattel Inc. L'appelante acquiert ses marchandises au moyen d'un système de commandes, qui est contrôlé par Mattel Inc. En vertu de ce système, les marchandises commandées par l'appelante sont facturées par le fabricant à Mattel Trading Company Limited, qui facture Mattel Inc., qui à son tour facture l'appelante. Il y a transfert du titre relatif aux marchandises à chaque étape du processus, mais les marchandises sont expédiées par Mattel Trading Company Limited directement à l'appelante, qui les assure à compter du moment où elles quittent l'usine. Le montant facturé par Mattel Trading Company Limited et par Mattel Inc. comprend une majoration à l'égard des services ainsi qu'un profit par rapport à la facture initiale du fabricant. Mattel Inc. est tenue de verser des redevances pour avoir le droit de fabriquer ou de faire fabriquer, de distribuer et de vendre certains produits, mais l'appelante rembourse ces redevances à Mattel Inc. au moyen de paiements périodiques.

En déterminant la valeur transactionnelle des articles importés au Canada et le montant du droit à payer, le sous-ministre a comptabilisé les sommes versées au concédant de licence X dans le prix payé ou à payer pour les marchandises, étant donné qu'elles étaient acquittées par l'appelante directement ou indirectement en tant que condition de la vente des marchandises pour exportation au Canada. Le sous-ministre du Revenu national s'est fondé sur la vente conclue entre Mattel Inc. et l'appelante pour déterminer la valeur transactionnelle concernant le remboursement des droits de licence effectué par Mattel Inc. aux concédants de licences maîtresses. L'appelante a déposé trois appels, en vertu de l'art. 67 de la *Loi sur les douanes*, à l'encontre de 11 décisions prises par le sous-ministre en application du par. 63(3) de la Loi. Il s'agit de savoir la valeur de certaines marchandises importées au Canada par l'appelante. La plupart des renseignements dont disposait le Tribunal au cours de l'audience étaient de nature confidentielle.

Le Tribunal canadien du commerce extérieur a statué que, même s'il est vrai que la Loi ne précisait pas quelle transaction devait être utilisée pour les fins de l'évaluation, la seule vente pour exportation qui s'est produite en l'espèce a eu lieu entre Mattel, à titre de vendeur, et l'appelante, à titre d'acheteur. Les fabricants et Mattel Trading Company n'étaient pas suffisamment indépendants de Mattel pour que des transactions réelles aient été effectuées entre elles. En conséquence, le Tribunal a également conclu que les par. 49(5) et 50(2), qui traitent de deux ventes ou plus de marchandises identiques ou semblables, n'étaient pas pertinents et a rejeté les appels sur cette question. Il a en outre déclaré que les redevances n'ont pas été versées en tant que condition de la vente des marchandises pour exportation au Canada et qu'à la lumière de son interprétation du sous-al. 48(5)*a*)(iv), les redevances ne sont pas passibles de droits de douane. Les appels ont été accueillis sur cette question.

Le sous-ministre du Revenu national a interjeté appel de la décision aux termes de l'art. 68 de la Loi et l'appelante a déposé un appel incident. La Cour d'appel a accueilli l'appel en partie, concluant que les redevances étaient passibles de droits de douane en vertu du sous-al. 48(5)*a*)(v), annulant la décision du Tribunal de ne pas comptabiliser les redevances versées aux concédants de licences maîtresses dans la valeur en douane des marchandises importées et confirmant de nouveau la décision du sous-ministre à l'égard de ces redevances. La Cour d'appel a rejeté l'appel incident.

Origine:	Cour d'appel fédérale
N^{o} du greffe:	27174
Arrêt de la Cour d'appel:	Le 13 janvier 1999
Avocats:	Richard S. Gottlieb/Darrel H. Pearson/Jeffery D. Jenkins pour l'appelante Morris Rosenberg pour l'intimée

27817 ***Werner Patek and Alan Guttman v. Her Majesty the Queen***

Canadian Charter – Criminal law – Review of a wiretap authorization – Appeal – Paragraph 676(1)(a) of the *Criminal Code* – Did the Court of Appeal majority err in law in finding that the trial judge's assessment of the evidence raised a question of law alone and by erroneously substituting its own assessment of the evidence?

The appellants were subject wiretap surveillance under three judicial authorizations. An initial authorization was issued in March 1995 on the evidence of the affidavit taken that day by a police officer; the other two authorizations were issued in May and July of the same year on the evidence of affidavits by two other officers. The first affidavit was drafted on the strength of information given to the police by an informant. The affiant stated he had reasonable and probable grounds to believe that a conspiracy to traffic in drugs would be committed. The affidavit stated that the informant was credible and had in the past provided information that proved positive and resulted in the arrest of a number of individuals and the seizure of narcotics. Following interceptions of communications, the appellants were charged with conspiracy to import drugs.

Just before trial, the appellants file a motion under sections 8 and 24(2) of the *Canadian Charter of Rights and Freedoms* to have the interceptions of private communications declared illegal. On December 3, 1996, Boisvert J. of the Court of Québec ruled that the wiretap interceptions violated section 8 of the Charter and that the evidence obtained as a result of these interceptions was not admissible under subsection 24(2) of the Charter. The respondent had no further evidence to present to the Court, so the judge acquitted the appellants of the charges against them.

On March 9, 2000 Chamberland and Deschamps JJ.A. of the Quebec Court of Appeal allowed the respondent's appeal and ordered a new trial, Fish J.A. dissenting. On July 19, 2000, the appellants field a notice of appeal as of right in the Supreme Court.

Origin:	Que.
Registry no.:	27817
Court of Appeal judgment:	March 9, 2000
Counsel:	Christian Desrosiers and Caude Girouard for the appellant Patek, Pierre Morneau for the appellant Guttman Claude Chartrand for the respondent

27817 ***Werner Patek et Alan Guttman c. Sa Majesté la Reine***

Charte canadienne - Droit criminel - Révision d'une autorisation d'écoute électronique - Appel - Paragraphe 676(1)a) du *Code criminel* - La majorité de la Cour d'appel a-t-elle erré en droit en concluant que l'appréciation de la preuve par le juge de première instance soulevait une question de droit seulement et en y substituant erronément sa propre appréciation de la preuve ?

Les appelants ont fait l'objet d'écoute électronique suite à trois autorisations judiciaires. Une première autorisation est émise en mars 1995 sur la foi de l'affidavit souscrit le même jour par un agent de police; les deux autres autorisations sont émises en mai et en juillet de la même année, sur la foi d'affidavits de deux autres agents. Le premier affidavit est rédigé sur la foi d'informations données aux policiers par un informateur. L'affiant y relate qu'il a des motifs raisonnables et probables de croire qu'un complot pour trafic de stupéfiants sera commis. Il indique que l'informateur est digne de foi et qu'il a, par le passé, fourni des renseignements qui se sont avérés positifs et ont permis l'arrestation de plusieurs individus et la saisie de stupéfiants. Suite aux interceptions de communication, les appelants sont accusés de complot pour importation de stupéfiants.

Juste avant le procès, les appelants présentent une requête en vertu des articles 8 et 24(2) de la *Charte canadienne des droits et libertés*, afin de faire déclarer illégales les interceptions de communication privée. Le 3 décembre 1996, le juge Boisvert de la Cour du Québec conclut que les interceptions d'écoute électronique constituent une violation de l'article 8 de la *Charte* et que les éléments de preuve obtenus suite à ces interceptions sont non recevables en vertu du paragraphe 24(2) de la *Charte*. L'intimée n'ayant pas d'autres preuves à offrir à la Cour, le juge acquitte les appelants des accusations portées contre eux.

Le 9 mars 2000, les juges Chamberland et Deschamps de la Cour d'appel du Québec accueillent le pourvoi de l'intimée et ordonnent la tenue d'un nouveau procès, le juge Fish étant dissident. Le 19 juillet 2000, les appelants déposent un avis d'appel de plein droit devant la Cour suprême.

Origine:	Qué.
N^{o} du greffe:	27817
Arrêt de la Cour d'appel:	Le 9 mars 2000
Avocats:	Mes Christian Desrosiers et Caude Girouard pour l'appelant Patek, Me Pierre Morneau pour l'appelant Guttman Me Claude Chartrand pour l'intimée

27896 ***Eric Arthur Berntson v. Her Majesty The Queen***

Criminal law - Fraud - Claims for secretarial services and allowances of member of Legislative Assembly - Whether the trial judge erred in finding on the facts that a prohibited act had occurred which rendered the transactions fraudulent - Whether the trial judge erred in finding that there was evidence of *mens rea* on the part of the Appellant to find a conviction for fraud - Whether the trial judge erred in determining that a period of incarceration was required in view of the provisions contained in the *Criminal Code* concerning conditional sentences.

The Appellant, Senator Eric Berntson, was charged with one count of fraud contrary to s. 380(1)(a) of the *Criminal Code* and with one count of breach of trust by a public officer contrary to s. 122 of the *Criminal Code*. The charges were laid with respect to certain financial transactions and claims for secretarial allowances and expenses which took place while the Appellant was a member of the Saskatchewan Legislature and a cabinet minister. The indictment alleged the appellant defrauded the Department of Finance of the Government of Saskatchewan and provided a number of particulars of the alleged fraudulent acts.

The Appellant was acquitted of the charge of breach of trust and was convicted of fraudulently causing the Department of Finance to pay to him $10,689 from the Constituency Office and Services Allowance, and $31,046 from the Constituency Secretarial Allowance. He was sentenced to one year in prison, ordered to pay a surcharge of $250 and to make restitution in the amount of $41,735. On appeal, the majority of the Court of Appeal dismissed the appeal against conviction and sentence. Vancise J.A. dissenting would have allowed the appeal and directed a verdict of acquittal on the basis that the Crown had failed to prove beyond a reasonable doubt that the Appellant had the necessary *mens rea*. Given the decision of the majority on the conviction appeal, he would also have allowed the appeal against sentence and imposed a conditional sentence.

Origin of the case:	Saskatchewan
File No.:	27896
Judgment of the Court of Appeal:	April 28, 2000
Counsel:	Michael T. Megaw for the Appellant D. Murray Brown Q.C. for the Respondent

27896 ***Eric Arthur Berntson c. Sa Majesté la Reine***

Droit criminel - Fraude - Réclamations d'indemnités pour services de secrétariat d'un membre de l'assemblée législative - Le juge du procès a-t-il commis une erreur en concluant sur la base des faits qu'il y avait eu un acte interdit qui rendait les opérations frauduleuses? - Le juge du procès a-t-il commis une erreur en concluant qu'il y avait une preuve de *mens rea* qui permettait de déclarer l'appelant coupable de fraude? - Le juge du procès a-t-il commis une erreur en concluant qu'une période d'incarcération était obligatoire compte tenu des dispositions du *Code criminel* sur les peines d'emprisonnement avec sursis?

L'appelant, le sénateur Eric Berntson, a été accusé d'un chef de fraude, contrairement à l'al. 380(1)*a*) du *Code criminel*, et d'un chef d'abus de confiance par un fonctionnaire public, contrairement à l'art. 122 du *Code criminel*. Les accusations portent sur certaines opérations financières et sur des réclamations d'indemnités pour services de secrétariat et frais, faites lorsque l'appelant était membre de l'assemblée législative de la Saskatchewan et membre du cabinet. L'acte d'accusation allègue que l'appelant a fraudé le ministère des Finances de la Saskatchewan et fournit un certain nombre de détails sur les actes frauduleux reprochés.

L'appelant a été acquitté relativement à l'accusation d'abus de confiance et a été déclaré coupable d'avoir frauduleusement entraîné le ministère des Finances à lui verser une indemnité pour frais de bureau et services de secrétariat dans la circonscription de 10 689 $ et une indemnité pour dépenses de secrétariat dans la circonscription de 31 046 $. Il a été condamné à une peine d'emprisonnement d'un an et on l'a enjoint de verser une suramende compensatoire de 250 $ et de restituer une somme de 41 735 $. La majorité de la Cour d'appel a rejeté l'appel contre la déclaration de culpabilité et la peine. Le juge Vancise, en dissidence, était d'avis d'accueillir l'appel et il a ordonné un verdict d'acquittement au motif que le ministère public n'avait pas établi hors de tout doute raisonnable que l'appelant avait la *mens rea* nécessaire. Compte tenu de la décision des juges majoritaires sur l'appel de la déclaration de culpabilité, il était également d'avis d'accueillir l'appel contre la peine et il a imposé une peine d'emprisonnement avec sursis.

Origine:	Saskatchewan
N^{o} du greffe:	27896
Arrêt de la Cour d'appel:	28 avril 2000
Avocats:	Michael T. Megaw pour l'appelant D. Murray Brown c.r. pour l'intimée

DEADLINES: MOTIONS

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	**:**	**February 12, 2001**
Service	:	January 22, 2001
Filing	:	January 26, 2001
Respondent	:	February 2, 2001
Motion day	**:**	**March 12, 2001**
Service	:	February 19, 2001
Filing	:	February 23, 2001
Respondent	:	March 2, 2001

DÉLAIS: REQUÊTES

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	**:**	**12 février 2001**
Signification	:	22 janvier 2001
Dépôt	:	26 janvier 2001
Intimé	:	2 février 2001
Audience du	**:**	**12 mars 2001**
Signification	:	19 février 2001
Dépôt	:	23 février 2001
Intimé	:	2 mars 2001

DEADLINES: APPEALS

The Spring Session of the Supreme Court of Canada will commence April 17, 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 du printemps de la Cour suprême du Canada commencera le 17 avril 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.

Veuillez 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.

THE STYLES OF CAUSE IN THE PRESENT TABLE ARE THE STANDARDIZED STYLES OF CAUSE (AS EXPRESSED UNDER THE "INDEXED AS" ENTRY IN EACH CASE).

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

Judgments reported in [2000] 2 S.C.R. Part 1

Jugements publiés dans [2000] 2 R.C.S. Partie 1

R. *v.* Morrisey, [2000] 2 S.C.R. 90, 2000 SCC 39

R. *c.* Morrisey, [2000] 2 R.C.S. 90, 2000 CSC 39

R. *v.* Oickle, [2000] 2 S.C.R. 3, 2000 SCC 38

R. *c.* Oickle, [2000] 2 R.C.S. 3, 2000 CSC 38

R. *v.* Starr, [2000] 2 S.C.R. 144, 2000 SCC 40

R. *c.* Starr, [2000] 2 R.C.S. 144, 2000 CSC 40

SUPREME COURT OF CANADA SCHEDULE
CALENDRIER DE LA COUR SUPREME

2000

OCTOBER - OCTOBRE

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

- 2001 -

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
14	**M 15**	**16**	**17**	**18**	**19**	20
21	**22**	**23**	**24**	**25**	**26**	27
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	6	7	8	9	10
11	**M 12**	**13**	**14**	**15**	**16**	17
18	**19**	**20**	**21**	**22**	**23**	24
25	26	27	28			

MARCH - MARS

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**	**13**	**14**	**15**	**16**	17
18	**19**	**20**	**21**	**22**	**23**	24
25	26	27	28	29	30	31

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	10	11	12	H 13	14
15	H 16	**M 17**	**18**	**19**	**20**	21
22	**23**	**24**	**25**	**26**	**27**	28
29	30					

MAY - MAI

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

Sittings of the court:
Séances de la cour:

Motions:
Requêtes:

Holidays:
Jours fériés:

M

H

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