

**SUPREME COURT
OF CANADA**



**COUR SUPRÊME
DU CANADA**

**BULLETIN OF
PROCEEDINGS**

**BULLETIN DES
PROCÉDURES**

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

Ce Bulletin, publié sous l'autorité 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.

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

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

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

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

CONTENTS**TABLE DES MATIÈRES**

Applications for leave to appeal filed	1710 - 1711	Demandes d'autorisation d'appel déposées
Applications for leave submitted to Court since last issue	1712 - 1723	Demandes soumises à la Cour depuis la dernière parution
Oral hearing ordered	-	Audience ordonnée
Oral hearing on applications for leave	-	Audience sur les demandes d'autorisation
Judgments on applications for leave	1724 - 1728	Jugements rendus sur les demandes d'autorisation
Judgment on motion	-	Jugement sur requête
Motions	1729 - 1734	Requêtes
Notices of appeal filed since last issue	1735	Avis d'appel déposés depuis la dernière parution
Notices of intervention filed since last issue	1736	Avis d'intervention déposés depuis la dernière parution
Notices of discontinuance filed since last issue	-	Avis de désistement déposés depuis la dernière parution
Appeals heard since last issue and disposition	-	Appels entendus depuis la dernière parution et résultat
Pronouncements of appeals reserved	-	Jugements rendus sur les appels en délibéré
Rehearing	-	Nouvelle audition
Headnotes of recent judgments	-	Sommaires des arrêts récents
Agenda	1737	Calendrier
Summaries of the cases	-	Résumés des affaires
Notices to the Profession and Press Release	-	Avis aux avocats et communiqué de presse
Deadlines: Appeals	1738	Délais: Appels
Judgments reported in S.C.R.	-	Jugements publiés au R.C.S.

**APPLICATIONS FOR LEAVE TO
APPEAL FILED**

Edwin Pearson
Edwin Pearson

v. (29463)

Her Majesty the Queen (F.C.)
Jacques Savary
A.G. of Canada

FILING DATE 7.11.2002

Barbara Parravano, et al.
Martin Teplitsky, Q.C.
Teplitsky, Colson

v. (29464)

KPMG Incorporated, et al. (Ont.)
Benjamin Zarnett
Goodmans

FILING DATE 14.11.2002

J.L. Marc Boivin
J.L. Marc Boivin

c. (29461)

Ville de Montréal (Qué.)
Louis Bouchart d'Orval
Brunet, Lamarre

DATE DE PRODUCTION 15.11.2002

David Clouthier, et al.
David Harris

v. (29465)

Zesta Engineering Ltd., et al. (Ont.)
Timothy Pinos
Cassels, Brock & Blackwell

FILING DATE 15.11.2002

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

Richard Raïche
Richard Raïche

c. (29467)

Georges Hudak, et autres (Qué.)
Jean-François S. Hébert
Fasken Martineau DuMoulin

DATE DE PRODUCTION 15.11.2002

Douglas Kay Campbell
Captain Douglas Kay Campbell

v. (29462)

**Metro Toronto Condominium Corporation #694
(Ont.)**
Patricia M. Conway
Miller Thomson

FILING DATE 6.11.2002

Kim Nathan Louie, et al.
Kim Nathan Louie

v. (29458)

Melvin Douglas Lastman (Ont.)
Sheila R. Block
Torys

FILING DATE 14.11.2002

Maurice Jean Sala
Richard W. Schwartz
Tapper Cuddy

v. (29457)

The Government of Manitoba (Man.)
W. Glenn McFetridge
A.G. of Manitoba

FILING DATE 15.11.2002

R.B.

Ronald Bélec
Bélec & Associés

c. (29468)

New York Life Insurance Company, et al.

Robert E. Charbonneau
Borden Ladner Gervais

v. (29469)

L.D. (Qué.)

Jacqueline Chagnon
Aide juridique Québec

Charles Kaye Vaughan (Qué.)

Yves Lauzon
Lauzon Bélanger

DATE DE PRODUCTION 15.11.2002

FILING DATE 18.11.2002

Deloitte & Touche Inc. (formerly Arthur Andersen Inc.)

Frank R. Dearlove
Bennett Jones

v. (29459)

Bruce Brett

Gary A. Richard
Burchell MacDougall

v. (29466)

Artisan Corporation (Sask.)

Paul J. Harasen
Kanuka Thuringer

FILING DATE 18.11.2002

Superior Propane Inc., a body corporate under the laws of Nova Scotia (N.S.)

Michael S. Ryan, Q.C.
Cox Hanson O'Reilly Matheson

FILING DATE 19.11.2002

Steve Brian Ewanchuk

Peter J. Royal, Q.C.
Royal, McCrum, Duckett & Glancy

v. (29460)

Vasundara Raghavan, et al.

Vasundara Raghavan

v. (29470)

Her Majesty the Queen (Alta.)

James A. Bowron
A.G. of Alberta

FILING DATE 18.11.2002

Attorney General of Canada (F.C.)

Lesley King
A.G. of Canada

FILING DATE 20.11.2002

NOVEMBER 18, 2002 / LE 18 NOVEMBRE 2002

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

Michael Roger Pinet

v. (29254)

**The Administrator of St. Thomas Psychiatric Hospital,
and the Attorney General for Ontario (Crim.) (Ont.)**

NATURE OF THE CASE

Criminal Law - *Charter of Rights and Freedoms* - Detention - Detention in psychiatric facility - Accused found not guilty by reason of insanity - Requirement for least onerous and least restrictive disposition - Conditions of detention - Least restrictive environment - Whether the Court of Appeal erred in finding that the requirement in section 672.54 of the *Criminal Code* that the Review Board apply the least onerous and restrictive disposition does not apply to the conditions of the accused's detention - Whether the issue of the least restrictive environment for detention is to be determined on basis of expert medical evidence - Whether the Court of Appeal erred in upholding the decision to transfer the Applicant to a maximum secure facility in the alleged absence of evidence that the protection of the public required such a transfer - Whether the Court of Appeal erred in law in refusing to admit as fresh evidence the Applicant's affidavit regarding the conditions of his confinement following his transfer - *Criminal Code*, R.C.S. 1985, c.C-46

PROCEDURAL HISTORY

August 14, 2000 Ontario Review Board (Leiper, Alternate Chairperson, Kaufman and Hodowany, members)	Applicant ordered transferred to the maximum security Oak Ridge Division of the Penetanguishene Mental Health Centre
February 22, 2002 Court of Appeal for Ontario (Morden, Sharpe and Cronk JJ.A.)	Appeal dismissed
June 21, 2002 Supreme Court of Canada	Application for leave to appeal and motion for an extension of time, filed

Scott Byron Morrison

v. (29212)

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

NATURE OF THE CASE

Criminal Law (Non-Charter) - Defence - Jury Charge - Correctness of jury charge on defence of not criminally responsible - Whether charge to the jury eliminated consideration of possibilities in an assessment of whether the standard of proof for the defence was met - Whether curative proviso should have been applied on appeal to remedy entry of bad character evidence that went to a major issue in the case where the trial judge did not give limiting jury instructions.

PROCEDURAL HISTORY

March 12, 1999
Court of Queen's Bench of Alberta
(Chrumka J.)

Conviction: first degree murder, possession of a prohibited
weapon
Sentence: life imprisonment without eligibility for parole
for 25 years

September 4, 2001
Court of Appeal of Alberta
(McClung, Conrad and Wittmann J.J.A.)

Appeal from conviction dismissed

May 15, 2002
Supreme Court of Canada

Application for leave to appeal and motion to extend time
filed

Syndicat des travailleuses et travailleurs de Alfred Dallaire (CSN)

c. (29149)

Alfred Dallaire Inc. et Gestion Hélène Maurice Inc. (Qué.)

- et -

**Monsieur le juge Claude Saint-Arnaud, Tribunal du travail et
Me Andrée St-Georges es qualité de commissaire du travail**

NATURE DE LA CAUSE

Droit administratif - Contrôle judiciaire - Norme de contrôle judiciaire - Erreur manifestement déraisonnable - Droit du travail - Accréditation - Cession partielle d'entreprise - Est-il déraisonnable pour le Tribunal du travail d'appliquer la même interprétation de l'article 45 du *Code du travail* en matière de concession partielle d'entreprise que cette concession survienne en cours de procédure d'accréditation ou une fois l'accréditation décernée - *Code du travail du Québec, L.R.Q., c.C-27*

HISTORIQUE PROCÉDURAL

Le 16 mars 1998
Tribunal du travail du Québec
(Saint-Arnaud j.c.q.)

Appel d'une décision intérimaire transmettant les droits et obligations des salariés de Alfred Dallaire Inc. à l'intimée Gestion Hélène Maurice Inc., accueilli en partie: Accréditation syndicale de l'unité de négociation comprenant les porteurs, les chauffeurs et les directeurs de funérailles à l'emploi de l'intimée Alfred Dallaire Inc., accordée; l'intimée Gestion Hélène Maurice Inc. déclarée liée par cette accréditation

Le 31 août 1998
Cour supérieure du Québec
(Normand j.c.s.)

Requête de l'intimée Alfred Dallaire Inc. en révision judiciaire accueillie: décision du tribunal du travail infirmée; dossier retourné au Tribunal du travail

Le 6 février 2002
Cour d'appel du Québec
(Baudouin, Nuss et Thibault jj.c.a.)

Appel rejeté

Le 5 avril 2002
Cour suprême du Canada

Demande d'autorisation d'appel déposée

146207 Canada Inc.

v. (29047)

Placements Rebery Limitée, Gilles Turcotte and Pierre-Yves Racicot (Que.)

-and-

La Caisse Populaire de Boucherville

NATURE OF THE CASE

Procedural law -Appeal - Judgments and orders - Did the appellate court judge fulfill his duties and obligations in failing to arrive at a decision on the matter before him - Can a litigant expect decisions from the number of judges before whom his case was pleaded.

PROCEDURAL HISTORY

March 3, 1998
Superior Court of Quebec
(Vaillancourt J.)

Applicant's action dismissed

November 27, 2001
Court of Appeal of Quebec
(Vallerand, Rousseau-Houle and Rochon [*ad hoc*] JJ.A.)

Appeal dismissed

January 25, 2002
Supreme Court of Canada

Application for leave to appeal filed

Wind Power Inc. and Dove Industries Inc.

v. (29280)

Saskatchewan Power Corporation (Sask.)

NATURE OF THE CASE

Commercial law - Contracts - Breach of contract - Implied terms - Saskatchewan Power Corporation requesting proposals for wind power demonstration project and later cancelling project - Whether "privilege clauses" in tender documents allowed Corporation to reject all proposals in circumstances of case - Whether term can be implied in contract A that Corporation would enter into contract B if an acceptable bid were presented to it - Whether Corporation breached its duty of fairness - Guidelines for "unforeseen circumstances" in tender situation - Whether tender-calling authorities possess an absolute and unfettered discretion to reject all compliant proposals.

PROCEDURAL HISTORY

April 8, 1999
Court of Queen's Bench of Saskatchewan

Applicants' claim dismissed

(Gunn J.)

May 10, 2002
Court of Appeal for Saskatchewan
(Gerwing, Sherstobitoff and Jackson JJ.A.)

Applicants' application to adduce fresh evidence and
appeal both dismissed

July 23, 2002
Supreme Court of Canada

Application for leave to appeal filed

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

Seymour Grey

v. (29285)

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

NATURE OF THE CASE

Canadian Charter - Criminal - Criminal law - Whether s. 264 of the Criminal Code violates ss. 1, 2, 6, 7, 8, 9, 10, 11, 12, 15, 26, 27, 28, or 31 of the Charter.

PROCEDURAL HISTORY

January 27, 1997
Ontario Court of Justice
(Blacklock J.)

Applicant convicted of criminal harassment contrary to s.
264 of the *Criminal Code*

February 10, 2000
Court of Appeal for Ontario
(Catzman, Carthy and Weiler JJ.A.)

Appeal against conviction dismissed

August 6, 2002
Supreme Court of Canada

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

Wendi Washburn Arnold

v. (29080)

Robert Peter Washburn (Ont.)

NATURE OF THE CASE

Family law - Child Support - *Child Support Guidelines* - Annual Income - Income from exercise and sale of stock options - Special or extraordinary expenses - Whether the Court of Appeal erred by failing to consider the stated objectives of the *Guidelines* - Whether the Court of Appeal erred by failing to consider the definition of “annual income” in the context of the stated objectives of the *Guidelines* - Whether the Court of Appeal erred by finding that the trial judge had properly characterized the stock option income as a “non-recurring” amount under s. 17 of the *Guidelines* - Whether the Court of Appeal erred by failing to consider that the stock options are part of the respondent’s annual remuneration and not a “non-recurring” amount - Whether the Court of Appeal erred by finding that the decision of the trial judge to exclude the income from the sale of shares from the respondent’s “annual income” was an exercise of discretion that reveals no error in principle - Whether the Court of Appeal erred by finding that the trial judge, instead of awarding vacation expenses under s. 7 of the *Guidelines*, should have found that the amount of child support was inappropriately low and exercised his discretion under section 3(2)(b) by awarding an increased amount of child support - Whether the Court of Appeal failed to impute the respondent’s exercised stock options from 1999 to his annual income for child support in the three preceding years.

PROCEDURAL HISTORY

September 23, 1991
Supreme Court of Ontario
(Isaac J.)

Order : parties to have joint custody of children;
Respondent to pay Applicant monthly child support in the amount of \$3 000; Respondent to pay Applicant lump sum spousal support of \$20 000

September 14, 2000
Ontario Superior Court of Justice
(Rutherford J.)

Respondent’s annual income determined to be \$377, 000; respondent ordered to pay monthly child support in the amount of \$5324.80; eldest child determined to be “child of the marriage” for support purposes.

November 24, 2000
Ontario Superior Court of Justice
(Rutherford J.)

Original endorsement varied by deleting all mandatory support obligations for eldest child; respondent ordered to pay monthly child support of \$4121.80 for two youngest children.

January 9, 2001
Ontario Superior Court of Justice
(Rutherford J.)

Respondent ordered to pay s. 7 educational, membership and vacation/holiday expenses.

December 19, 2001
Court of Appeal for Ontario
(Catzman, Carthy and Moldaver JJ.A.)

Appeal and cross-appeal allowed.

February 15, 2002
Supreme Court of Canada

Application for leave to appeal filed.

September 27, 2002
Supreme Court of Canada

Motion to extend time to complete application for leave to appeal allowed.

(Binnie J.)

Robert John Fenn

v. (29400)

The Registrar of Motor Vehicles and the Licence Appeal Tribunal (Ont.)

NATURE OF THE CASE

Administrative law - Judicial Review - Jurisdiction of the Court of Appeal - Whether the Court of Appeal was acting in the exercise of its original (not appeal) jurisdiction when it dismissed the Applicant's motion for leave to appeal - Whether the Court of Appeal erred by using its leave to appeal requirement - Whether the Applicant's rights were unduly restricted by the leave to appeal requirement.

PROCEDURAL HISTORY

October 5, 2001 Licence Appeal Tribunal (Aouad and Wallace, Members)	Suspension of Applicant's driver licence confirmed
February 18, 2002 Ontario Superior Court of Justice (Divisional Court) (Dunnet, Esptein and Crane JJ.)	Applicant's application for judicial review, dismissed
July 8, 2002 Court of Appeal for Ontario (Labrosse, Simmons and Armstrong JJ.A.)	Motion for leave to appeal dismissed
September 30, 2002 Supreme Court of Canada	Application for leave to appeal filed

James Donald Townsend

v. (29269)

**Sault Ste. Marie Police Service, Bradley Clarida, Martin Rowe,
Jeffery Broadbent and Tracy-Lynn Broadbent (Ont.)**

NATURE OF THE CASE

Procedural law - Whether the lower courts erred in granting summary judgment.

PROCEDURAL HISTORY

July 11, 2001 Ontario Superior Court of Justice (Del Frate J.)	Motion for summary judgment allowed
February 28, 2002 Court of Appeal for Ontario (Feldman, Sharpe JJ.A., and Gillese J. [<i>ad hoc</i>])	Appeal dismissed
June 24, 2002 Supreme Court of Canada	Application for leave to appeal filed

Air Canada

v. (29202)

The Commissioner of Competition and I.M.P. Group Ltd. (CanJet Airlines) (F.C.A.)

NATURE OF THE CASE

Administrative Law - Jurisdiction - Judicial Review - Competition Tribunal - Residual discretion of a judicial member of the Competition Tribunal in review of an *ex parte* administrative order to refuse to confirm order if not validly issued - Discretion to review statutory basis for issuance of order - Right to timely and meaningful review of administrative injunction - Whether subject of an *ex parte* order must commence two separate proceedings to challenge order - Whether Commissioner met statutory precondition for the issuance of temporary order - Standard of review applicable to review of the issuance of a temporary order by the Commissioner of Competition - Whether Federal Court of Appeal erred in law by refusing to address issue on the basis that it was a factual question and moot - Whether threshold for harm of a significant loss of revenue must be greater than the natural result of legal competition.

PROCEDURAL HISTORY

November 24, 2000 Competition Tribunal (Simpson J.)	Order by Commissioner of Competition prohibiting applicant from offering discount fares on routes operated by respondent airline varied and extended
March 22, 2002 Federal Court of Appeal (Richard C.J., Evans and Malone JJ.A.)	Appeal dismissed
May 21, 2002 Supreme Court of Canada	Application for leave to appeal filed

**CORAM: Iacobucci, Binnie and LeBel JJ. /
Les juges Iacobucci, Binnie et LeBel**

Her Majesty the Queen

v. (29082)

B.(E.) (Crim.) (Ont.)

NATURE OF THE CASE

Criminal law - Evidence - Whether Court of Appeal erred by defining the concept of relevance for the purpose of determining the scope of cross-examination of a complainant at a preliminary inquiry in a manner that permits an accused person to circumvent the protections established by s. 278.4(2) of the *Criminal Code* of Canada - Whether a preliminary inquiry justice has jurisdiction to permit the defence to inquire into areas that implicate the constitutional rights of complainants but do not relate to discovery of the Crown's case - Whether Court of Appeal erred in the manner it delineated the scope of cross-examination at a preliminary inquiry, when it balanced the constitutional rights of the complainant and the accused, by permitting questions in cross-examination of a complainant at a preliminary inquiry which intrude into the contents of confidential records.

PROCEDURAL HISTORY

November 20, 2000
Ontario Superior Court of Justice
(Ferguson J.)

Respondent's application for *certiorari* granted; case remitted back for continuation of the preliminary inquiry

January 14, 2002
Court of Appeal for Ontario
(Moldaver, Feldman and Cronk JJ.A.)

Appeal dismissed

March 4, 2002
Supreme Court of Canada

Application for leave to appeal filed

**Ranjan Coomaraswamy and Anusha Ranjan and Ahalya Ranjan
and Uthayakumari Ranjan**

v. (29274)

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

NATURE OF THE CASE

Canadian Charter - Civil - Immigration law - Convention refugee determination - Misrepresentations by Applicants - New evidence tendered - Respondent's application to have the Applicants' positive Convention refugee determinations vacated granted - Whether Applicant minors denied opportunity to present new evidence at their vacation hearing - Whether the court erred in failing to allow new evidence to be introduced - Whether the court erred in finding that a designated representative did not have to be appointed at the vacation hearing or removed for the Applicant minors - Whether the court erred in failing to find a breach under s. 7 of the *Charter of Rights and Freedoms* - Whether the court erred in finding that the new evidence introduced at the vacation hearing had not been relied on in the panel's assessment under section 69.3(5) of the Act - Whether the court erred in failing to find that the Board's determination that there was insufficient evidence to substantiate the Applicants' refugee claim was made in a perverse and capricious manner and without regard

for the material before the Board - *Immigration Act*, R.S.C. 1985, c. I-2, s. 69.2(2), 69.3(5) - *Charter of Rights and Freedoms*, s. 7.

PROCEDURAL HISTORY

May 17, 1999 Convention Refugee Determination Division (Gopie, Joakim and Wilson, Members)	Respondent's application to have the Applicants' positive Convention refugee determinations vacated, approved
February 9, 2001 Federal Court of Canada Trial Division (MacKay J.)	Applicants' application for judicial review dismissed
April 26, 2002 Federal Court of Appeal (Rothstein, Sexton and Evans JJ.A.)	Appeal dismissed
June 25, 2002 Supreme Court of Canada	Application for leave to appeal filed

Caisse Desjardins de Maizerets

c. (29382)

Richard Allan, Denis Arsenault, Marcel Auger, Guy Bélanger, Benoît Carrier, Liette H. Choquette, Michel Demers, Marcel Denis, Daniel Adam, Jean-Pierre Desgagnés, Yvan Dion, Gaétan Fortin, Christian Gagnon, André Giasson, Serge Giroux, Gervais Guillot, Claude Henry, Annette Jacques, Armande Labrecque, Bruno Labrecque, Michel Labrie, Marielle Landry, Vital Landry, Ginette Larouche, Gaston Lelièvre, Gérard Canac-Marquis, Denis Martin, Laurent Martin, Gilles Ménard, Marcel Munroe, Renald C. Naud, Simon L. Ouellet, Yves Patenaude, Jean Claude Pépin, Lise Picard, Jean-Luc Rousseau, Denis Picard, KPMG, Pierrette Savard, 2423-4007 Québec Inc. et Suzanne Potvin (Qué.)

ET ENTRE :

Caisse Desjardins de Maizerets

c.

Denis Aubin, Jean-Paul Beaubien, Pierre Beaulieu, Marcel Bernard, Jean-Yves Bertrand, Noël Bilodeau, Yves Brault, Benoît Clouet, Yves Clouet, Emmanuel Côté, Marcel Denis, Sylvain Denis, Reno Deschênes, Clermont Fortin, Bruno Labrecque, Jean-Marc Lachance, Charles H. Leclerc, Léonce Lepage, Hélène Létourneau, Daniel Maheu, Simone L. Ouellet, Ghislain Pépin, Robert Pichette, Margueritte Plante, Philippe Poirier, Gérald Poulin, Ghislain Poulin, Lucette Poulin, Marcel Pouliot, Yvon Rancourt, Fabien Roy, Régnald Roy, Serge Ruest, Yvon Tanguay, Daniel Trempe, Marie Valée, 2542-4318 Québec Inc., Daniel Adam et Associés, Jean-Luc Rivard et Trust Royal

ET ENTRE :

Caisse Desjardins de Maizerets

c.

Jean-Paul Beaubien, Germain Bédard, Gaétan Bernard, François Boudreau, Rolande Caron, Benoit Carrier, Nelson Demers, Yvan Dion, Pierre Dumas, Michel Gamache, Denis Godbout, Christine Jacques, Denise Labbé, Jean-Marie Lebrasseur, Delorès Lévesque, André Marcoux, Gilles Ménard, Camil Miller, Michel Morin, Guildo Nadeau, Léopold Ouellet, Louis Parent, Gérald Poulin, Ghislain Poulin, Marcel Pouliot, René Rheault, Claire Robert, Raymond St-Pierre, Etienne Tétreault et Suzelle Lachance

ET ENTRE :

Caisse Desjardins de Maizerets

c.

Michel Labrie, Germain Bédard, Guy Bélanger, Henriette Bouchard, Pierre Bouchard, Julien Dît Jules Bourgeois, Gérard Canac-Marquis Gérard Châtigny, Benoît Clouet, Daniel Côté, Paul Doyon, Pierre Dubé, Robert Dubreuil, Jacques Dubuc, Ghislain Fortin, André Giasson, Denise Gobeil, Guy Grenier, Louise-Andrée Hardy, Marcel Harrisson, Rosaire Lacroix, Josée Laflamme, Vital Landry, Pierre Lavertue, Estelle Léveillé, Yvon Martel, Richard Martineau, Suzanne Miller, Yvan Michaud, Michel Morrisset, Nelson Morrisset, William Moss, Marcel Munroe, Murielle Nadeau, Marie Nolet, Richard Paradis, Adrien Pichette, Gilles Pichette, Robert Raymond, Michel Sanfaçon, Gérard Sauvageau, André Tanguay, Lucie Turcotte, Monique Turcotte, 2850-0148 Québec Inc. et Peat Marwick Thorne Inc., Serge Morency et associés inc. et 2958-2434 Québec inc.

NATURE DE LA CAUSE

Droit commercial - Responsabilité civile - Procédure - Contrats - Recours - Prescription - Responsabilité du fait d'autrui - La Cour d'appel a-t-elle erré en révisant les conclusions et les inférences de faits du juge de première instance et en déclarant que les recours des intimés contre la demanderesse n'étaient pas prescrits? - La Cour d'appel a-t-elle erré en affirmant que Boutin était dans l'exécution de ses fonctions lors de la commission des fraudes? - La Cour d'appel a-t-elle erré en déclarant la demanderesse conjointement et solidairement responsable des dommages subis par les intimés?

HISTORIQUE PROCÉDURAL

Le 30 mars 2000
Cour supérieure du Québec
(Morin j.c.s.)

Actions des intimés en dommages accueillies à l'égard de certains défendeurs seulement

Le 26 juillet 2002
Cour d'appel du Québec
(Mailhot, Dussault et Rousseau-Houle jj.c.a.)

Appel accueilli; demanderesse déclarée solidairement responsable des dommages

Le 26 septembre 2002
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Jacques Laurendeau

c. (29241)

Université Laval (Qué.)

NATURE DE LA CAUSE

Procédure - Procédure civile - Requête en rétractation de jugement - Y a-t-il, en l'espèce, partialité des juges impliqués?

HISTORIQUE PROCÉDURAL

Le 23 janvier 1997 Cour supérieure du Québec (Martin j.c.s.)	Action du demandeur en dommages et intérêts au montant de 3 291 665 \$, rejetée
Le 10 décembre 1997 Cour d'appel du Québec (Beauregard, Deschamps et Letarte jj.c.a.)	Appel rejeté
Le 30 novembre 2000 Cour supérieure du Québec (Vézina j.c.s.)	Requête du demandeur en rétractation de jugement, rejetée
Le 28 février 2002 Cour d'appel du Québec (Rothman, Brossard et Letarte [<i>ad hoc</i>] jj.c.a.)	Appel rejeté
Le 12 avril 2002 Cour d'appel du Québec (Robert, Forget et Rochette jj.c.a.)	Requête du demandeur en rétractation de jugement, rejetée

Angelo Corrieri

c. (28989)

Les Investissements Cigmont Inc. (Qué.)

NATURE DE LA CAUSE

Droits des biens - Recours - Dommages - Action en dommages-intérêts - Le jugement de la Cour d'appel est-il erroné quant à l'appréciation par la Cour de la preuve au dossier relativement au quantum des dommages-intérêts? - La Cour d'appel aurait-elle dû évaluer la preuve administrée devant le tribunal de première instance plutôt que de décider arbitrairement d'un montant de dommages-intérêts?

HISTORIQUE PROCÉDURAL

Le 8 juillet 1997
Cour supérieure du Québec
(Filiatreault j.c.s.)

Action en dommages-intérêts de l'intimée réclamant la somme de 90 257, 24\$ pour des réparations et certains dommages réclamés à la suite de la vente d'un immeuble rejetée

Le 5 novembre 2001
Cour d'appel du Québec
(Mailhot, Fish et Otis jj.c.a.)

Appel accueilli: action accueillie et demandeur condamné à payer à l'intimée 15 000\$ ainsi que les intérêts et indemnité additionnelle à compter de l'assignation

Le 24 décembre 2001
Cour suprême du Canada

Demande d'autorisation d'appel déposée

MOTION FOR RECONSIDERATION / DEMANDE DE RÉEXAMEN

**CORAM: Bastarache, Binnie and LeBel JJ. /
Les juges Bastarache, Binnie et LeBel**

Association des juges administratifs du Tribunal administratif du Québec c. Barreau de Montréal, le Procureur général du Québec et Barreau du Québec (Qué.) (Civile) (28910)

NOVEMBER 28, 2002 / LE 28 NOVEMBRE 2002

28948 **Kingsada Luangrath - v. - Her Majesty the Queen** (Ont.) (Crim.)

Coram: Gonthier, Major and Arbour JJ.

The motion to amend grounds for leave to appeal is granted and the application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C33970, dated July 13, 2001, is dismissed.

La requête en modification des motifs d'appel est accordée et la demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C33970, daté du 13 juillet 2001, est rejetée.

NATURE OF THE CASE

Criminal law - Sentence - Did the Court of Appeal for Ontario err in law in upholding the decision of the trial justice to find the Accused a dangerous offender and not a long term offender? - Whether Court of Appeal erred in deciding that despite the weakness in witness's recall and admitted memory problems, and other differences between her evidence and that of other witnesses, similar fact evidence was capable of corroborating her evidence - Whether Court of Appeal erred in failing to appreciate that the evidence of one witness which caused the trial judge to have a doubt about her recall concerning frequency, was not "somewhat overstated", but was grossly overstated - Whether Court of Appeal erred in accepting the trial judge's inference.

PROCEDURAL HISTORY

January 15, 1999 Ontario Court of Justice (General Division) (Kurisko J.)	Conviction: 4 counts of sexual assault
October 22, 1999 Ontario Superior Court of Justice (Kurisko J.)	Respondent's application for an order finding the Applicant a dangerous offender granted; indeterminate sentence imposed
July 13, 2001 Court of Appeal for Ontario (Doherty, Rosenberg and Moldaver JJ.A.)	Appeal against conviction and sentence dismissed
April 26, 2002 Supreme Court of Canada	Application for leave to appeal filed

29190 **Delrina Corporation carrying on business as Carolian Systems - v. - Triolet Systems Inc. and Brian Duncombe** (Ont.) (Civil)

Coram: Gonthier, Major and Arbour JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C30375, dated March 1, 2002, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C30375, daté du 1 mars 2002, est rejetée avec dépens.

NATURE OF THE CASE

Property law - Copyright - Whether the Court of Appeal failed to correctly enunciate and apply the principles governing the subsistence of copyright in a work or the infringement of copyright in a work - Whether the Court of Appeal erred in law in concluding that the Applicant's copyright in its computer program was not infringed by the Respondents' program.

PROCEDURAL HISTORY

February 3, 1987 Supreme Court of Ontario (Fitzpatrick J.)	Interlocutory injunction restraining Respondents from selling, giving away or marketing Applicant's computer program granted
February 12, 1993 Ontario Court of Justice (O'Leary J.)	Applicant's action for an injunction dismissed; contempt allegation dismissed
July 17, 1998 Ontario Court of Justice (O'Leary J.)	Applicant to pay \$130,500 to the Respondent Brian Duncombe; Applicant to pay \$6,762,000 to the Respondent Triolet Systems Inc.
March 1, 2002 Court of Appeal for Ontario (Morden, Carthy and MacPherson JJ.A.)	Appeal dismissed
April 30, 2002 Supreme Court of Canada	Application for leave to appeal filed

28984 **Sadok Sagman, Carmina Araujo, Doron Sagman et Uri Sagman - v. - Société en commandite gaz métropolitain (Qué.)**

Coram: **Iacobucci, Binnie and LeBel JJ.**

The application for leave to appeal from the judgment of the Court of Appeal of Quebec (Montreal), Number 500-09-011321-015, dated November 26, 2001, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel du Québec (Montréal), numéro 500-09-011321-015, daté du 26 novembre 2001, est rejetée avec dépens.

NATURE OF THE CASE

Procedure - Prescription - Evidence - Procedure - Burden of proof - Did the Court of Appeal err at law in extending the application of s.2904 of the *Civil Code of Québec* to contractual obligations? - Did the Court of Appeal err at law in displacing the burden of proof upon the Applicants' shoulders? - Did the Court of Appeal err at law in maintaining an objection precluding the Applicant Sadok Sagman from testifying on the matter of energy sources and their consumption since he is not an engineer in thermodynamics nor a heating expert?

PROCEDURAL HISTORY

December 3, 1997 Superior Court of Quebec (Barbeau J.)	Respondent's action allowed, Applicants ordered to pay Respondent for unpaid consumption of electricity by means of assignment of claims
--	--

May 11, 1998
Court of Appeal of Quebec
(Delisle, Otis and Chamberland JJ.A.)

Respondent's motion to dismiss appeal allowed: appeal dismissed

July 18, 2001
Superior Court of Quebec
(Crête J.)

Respondent's action allowed, Applicants jointly ordered to pay Respondent \$167,785.56 for unpaid consumption of electricity

November 26, 2001
Court of Appeal of Quebec
(Gendreau, Robert and Pelletier JJ.A.)

Respondent's motion to dismiss appeal allowed: Appeal dismissed

January 9, 2002
Supreme Court of Canada

Application for leave to appeal filed

29306 **Curtis Wade De Fehr - v. - Moira Ann De Fehr** (B.C.)

Coram: **Iacobucci, Binnie and LeBel JJ.**

The application for leave to appeal from the judgment of the Court of Appeal of British Columbia (Vancouver), Number CA028740, dated June 17, 2002, is dismissed without costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Colombie-Britannique (Vancouver), numéro CA028740, daté du 17 juin 2002, est rejetée sans frais.

NATURE OF THE CASE

Family law - Custody - Respondent granted sole custody of children of the marriage with access to the Applicant - Procedural law - Appeal - Order dismissing appeal for failure to file factum - Whether Court of Appeal erred in dismissing appeal for procedural irregularities - Whether Applicant's constitutional rights violated

PROCEDURAL HISTORY (Partial)

March 21, 2001
Supreme Court of British Columbia
(Loo J.)

Order : continued interim sole custody and guardianship of the children granted to the Respondent; supervised access for the Applicant

June 15, 2001
Supreme Court of Columbia
(Loo J.)

Final order : sole custody and guardianship of the children granted to the Respondent; unsupervised access for the Applicant

May 14, 2002
Court of Appeal for British Columbia
(Prowse J.A.)

Application for extension of time dismissed; appeal dismissed

June 17, 2002
Court of Appeal for British Columbia
(Esson, Low and Levine JJ.A.)

Applicant's application to set aside May 14, 2002 order dismissed

August 20, 2002
Supreme Court of Canada

Application for leave to appeal filed

29275 **Les Contenants Industriels Ltée - c. - La Commission des lésions professionnelles, Me Michel Denis et Me Lucie Landriault - et - Hansel Biggart et La Commission de la santé et de la sécurité du travail** (Qué.)

Coram : Les juges Iacobucci, Binnie et LeBel

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel du Québec (Montréal), numéro 500-09-012105-029, daté du 8 mai 2002, est rejetée sans frais.

The application for leave to appeal from the judgment of the Court of Appeal of Quebec (Montreal), Number 500-09-012105-029, dated May 8, 2002, is dismissed without costs.

NATURE DE LA CAUSE

Droit administratif - Contrôle judiciaire - Témoins - Renonciation à un droit linguistique - Est-ce que la renonciation à un droit linguistique par un témoin doit être claire et expresse? - Est-ce qu'un procureur peut renoncer aux droits linguistiques des témoins? - Est-ce qu'un tribunal administratif a une obligation d'assurer le respect des droits linguistiques des témoins et des parties en leur fournissant un interprète? - Est-ce que les principes de *R. c. Beaulac*, [1999] 1 R.C.S. 768 sont applicables en droit administratif au Québec? - Article 23 de la *Charte des droits et libertés de la personne*, L.R.Q., c.C-12 - Est-ce que le droit à «l'égalité de traitement» des justiciables par un tribunal administratif comprend le droit à une répartition équitable des effectifs lors de la composition du banc de ce tribunal? - Est-ce qu'un décideur peut s'immiscer dans l'exercice du pouvoir discrétionnaire quant à la composition du banc une fois que ce pouvoir a été exercé?

HISTORIQUE PROCÉDURAL

Le 17 mai 2001
Commission des lésions professionnelles
(Landriault, commissaire)

Requête en révision judiciaire des décisions de la
Commission des lésions professionnelles en date du 24
juillet 2000, rejetée

Le 7 mars 2002
Cour supérieure du Québec
(Guibault j.c.s.)

Requête en révision judiciaire de la décision de la
Commission des lésions professionnelles en date du 17 mai
2001, rejetée

Le 8 mai 2002
Cour d'appel du Québec
(Dalphond j.c.a. [*ad hoc*])

Requêtes en révision judiciaire et pour permission d'en
appeler, rejetées

Le 27 juin 2002
Cour suprême du Canada

Demande d'autorisation d'appel déposée

19.11.2002

Before / Devant: MAJOR J.

Miscellaneous motion

Autre requête

Simeon Hogan, et al.

v. (29133)

Her Majesty the Queen, et al. (Crim.)(N.B.)

GRANTED / ACCORDÉE The motion on behalf of the applicant Nathan Gionet for an order adjourning the oral hearing ordered of the applications for leave to appeal from December 2, 2002 to January 13, 2003 is granted.

19.11.2002

Before / Devant: IACOBUCCI J.

Motion for a stay of execution

Requête en vue de surseoir à l'exécution

Her Majesty the Queen

v. (29376)

Kenneth Roy Hurrell (Crim.)(Ont.)

GRANTED / ACCORDÉE

IT IS HEREBY ORDERED that that part of the formal order of the Court of Appeal for Ontario dated July 19, 2002, which declared section 117.04(1) of the Criminal Code to be of no force or effect, is stayed pending the determination of the application for leave to appeal filed by the applicant on September 26, 2002 and, if leave to appeal is granted, is further stayed until the final termination of proceedings in this Court.

19.11.2002

Before / Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to serve and file the respondent's book of authorities

Requête en prorogation du délai imparti pour signifier et déposer le recueil de jurisprudence et de doctrine de l'intimée

Michael Pelletier

v. (29062)

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

GRANTED / ACCORDÉE Time extended to November 15, 2002.

20.11.2002

Before / Devant: THE DEPUTY REGISTRAR

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

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

Her Majesty the Queen

v. (29376)

Kenneth Roy Hurrell (Crim.)(Ont.)

GRANTED / ACCORDÉE Time extended to November 15, 2002.

20.11.2002

Before / Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to serve and file the response of the respondent the Attorney General of Canada

Requête en prorogation du délai imparti pour signifier et déposer la réponse de l'intimé le procureur général du Canada

Canadian Pacific Limited, et al.

v. (29427)

Attorney General of Canada, on behalf of Her Majesty the Queen in Right of Canada, et al. (B.C.)

GRANTED / ACCORDÉE Time extended to a date 60 days after the British Columbia Court of Appeal rules on the Attorney General of Canada's application for additional reasons for judgment and for a determination of the form of judgment that is sought to be appealed therein.

20.11.2002

Before / Devant: DESCHAMPS J.

Motion for extension of time and leave to intervene

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

BY/PAR: Mental Health Legal Committee and
the Mental Health Legal Advocacy
Coalition

IN/DANS: Dr. Russel Fleming

v. (28799)

Scott Starson a.k.a. Scott Jeffery
Schutzman (Ont.)

GRANTED / ACCORDÉE

UPON APPLICATION by the Mental Health Legal Committee and the Mental Health Legal Advocacy Coalition 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 applicants Mental Health Legal Committee and the Mental Health Legal Advocacy Coalition is granted and the applicants shall be entitled to serve and file a joint factum not to exceed 20 pages in length.

The request to present oral argument is deferred to a date following receipt and consideration of the written arguments of the appellant, the *amicus curiae* and the interveners.

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

The intervener shall pay to the appellant, respondent and the *amicus curiae* any additional disbursements occasioned to the appellant, respondent and the *amicus curiae* by the intervention.

21.11.2002

Before / Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to serve and file the record, factum and book of authorities of the respondents Her Majesty the Queen in Right of Ontario et al.

Requête en prorogation du délai imparti pour signifier et déposer les dossier, mémoire et recueil de jurisprudence et de doctrine des intimés Sa Majesté la Reine du chef de la province de l'Ontario et al.

Ontario Public Service Employees Union

v. (28849)

Her Majesty the Queen in Right of Ontario as represented by the Ministry of Community and Social Services, et al. (Ont.)

GRANTED / ACCORDÉE Time extended to December 11, 2002.

21.11.2002

Before / Devant: THE DEPUTY REGISTRAR

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

Requête en prorogation du délai imparti pour signifier et déposer les mémoire et recueil de jurisprudence et de doctrine de l'intimé

Her Majesty the Queen

v. (28946)

Daniel George Edgar (Crim.)(B.C.)

GRANTED / ACCORDÉE Time extended to October 7, 2002.

21.11.2002

Before / Devant: THE DEPUTY REGISTRAR

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

Requête en prorogation du délai imparti pour signifier et déposer les mémoire et recueil de jurisprudence et de doctrine de l'intimé

Her Majesty the Queen

v. (28945)

Jerimiah Josia Johnson (Crim.)(B.C.)

GRANTED / ACCORDÉE Time extended to October 7, 2002.

22.11.2002

Before / Devant: IACOBUCCI J.

Motion to strike out

Requête en radiation

Her Majesty the Queen

v. (28533)

Steve Powley, et al. (Crim.)(Ont.)

REFERRED / RÉFÉRÉE

UPON APPLICATION by the respondents for an order striking out the appellant's appendices and portions of the appellant's factum;

AND HAVING READ the material filed ;

IT IS HEREBY ORDERED THAT:

1. The motion by the respondents for an order striking out the appellant's appendices and portions of the appellant's factum is to be referred to the panel of the Court hearing the appeal and may be argued at the commencement of the hearing;
2. If so argued, the time required for the argument of this motion will be deducted from the time allotted to the appellant and respondents for the presentation of their submissions on the appeal.

22.11.2002

Before / Devant: THE CHIEF JUSTICE

Miscellaneous motion

Autre requête

Global BC (also known as BCTV News) a division of
Global Communications Limited, et al.

v. (28823)

Her Majesty the Queen, et al. (Crim.)(B.C.)

DISMISSED / REJETÉE

UPON APPLICATION by the appellants for an order adjourning the hearing of the motion to quash from December 2, 2002 to January 13, 2003;

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The application of the appellants for an order adjourning the hearing of the motion to quash from December 2, 2002 to January 13, 2003 is dismissed.

26.11.2002

Société de la Place des Arts de Montréal

c. (28952)

Alliance internationale des employés de scène, de théâtre, du cinéma, des métiers connexes et des artistes des États-Unis et du Canada, Local de scène 56 (Qué.)

26.11.2002

The Regional Manager of the Cariboo Forest Region, et al.

v. (29292)

Roger William, on his own behalf and on behalf of all other members of the Xeni Gwet'in First Nations Government and on behalf of all other members of the Tsilhqot'in Nation, et al. (B.C.)

27.11.2002

Attorney General of Canada

v. (29292)

Roger William, on his own behalf and on behalf of all other members of the Xeni Gwet'in First Nations Government and on behalf of all other members of the Tsilhqot'in Nation, et al. (B.C.)

**NOTICES OF INTERVENTION FILED
SINCE LAST ISSUE**

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

15.11.2002

BY/PAR: Attorney General for New Brunswick

IN/DANS: **Canadian Cable Television Association**

v. (28826)

Barrie Public Utilities, et al.

 AGENDA — Motion of December 2, 2002.

 CALENDRIER — Requête du 2 décembre 2002.

<u>Date of Hearing/ Date d'audition</u>	<u>Case Number and Name/ Numéro et nom de la cause</u>
2002/12/02	Motions / Requêtes <i>Global B.C. et al. v. Her Majesty the Queen et al.</i> (B.C.) (28823) (Quash / Annulation) (Video-conference / vidéoconférence - Vancouver) (2:00 p.m. / 14h00)

NATURE DE LA CAUSE

Canadian Charter of Rights and Freedoms - Freedom of expression - Freedom of the press - Whether the common law prohibits television and radio access to courtroom proceedings - Whether a prohibition (or a prohibition but for the consent of all parties) of television or radio access to court proceedings is an infringement of s. 2(b) of the *Charter* - If so, is the infringement a demonstrably justifiable limitation within s. 1 of the *Charter*? - What legal and constitutional principles must a judge follow when considering applications for television or radio access to court proceedings? - Whether the trial judge fettered her inherent jurisdiction by embracing the Policy on Television in the Courtroom adopted by the Supreme Court of British Columbia on May 9, 2001, effectively giving each party a veto power over radio and television access - Whether this appeal should be quashed for mootness - In the alternative, should the Appellants indemnify the Respondent Pilarinos' costs for this appeal?

NATURE OF THE CASE

Charte canadienne des droits et libertés - Liberté d'expression - Liberté de la presse - La common law interdit-elle l'accès de la télévision et de la radio à une procédure se déroulant dans une salle d'audience - L'interdiction d'accès (ou l'interdiction d'accès sans le consentement de toutes les parties) de la télévision et de la radio à une procédure judiciaire porte-elle atteinte aux droits garantis par l'al. 2b) de la *Charte*? - Dans l'affirmative, cette atteinte constitue-t-elle, suivant l'article premier de la *Charte*, une limite raisonnable dont la justification peut se démontrer? - Quels principes légaux et constitutionnels un juge doit-il appliquer pour trancher une demande d'accès de la télévision ou de la radio à une procédure judiciaire? - Le juge de première instance a-t-il entravé l'exercice de sa compétence inhérente en suivant la politique sur l'accès de la télévision à la salle d'audience adoptée par la Cour suprême de la Colombie-Britannique le 9 mai 2001, qui reconnaît un droit de veto à chaque partie relativement à l'accès de la télévision et de la radio - L'appel doit-il être annulé en raison de son caractère théorique? - Subsidiairement, les appelants devraient-ils indemniser l'intimé Pilarinos de ses dépens relatifs au pourvoi?

NOTE

This agenda is subject to change. Hearings normally commence at 9:45 a.m. each day. Where there are two cases scheduled on a given day, the second case may be heard immediately after the first case, or at 2:00 p.m. Hearing dates and times should be confirmed with Registry staff at (613) 996-8666.

Ce calendrier est sujet à modification. Les audiences débutent normalement à 9h45 chaque jour. Lorsque deux affaires doivent être entendues le même jour, l'audition de la deuxième affaire peut avoir lieu immédiatement après celle de la première ou encore à 14h. La date et l'heure d'une audience doivent être confirmées auprès du personnel du greffe au (613) 996-8666.

DEADLINES: APPEALS

The Fall Session of the Supreme Court of Canada started September 30, 2002.

The Supreme Court of Canada has enacted new rules that came into force on June 28, 2002.

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

1) For notices of appeal filed on and after June 28, 2002

Appellant's record; appellant's factum; and appellant's book(s) of authorities must be filed within 12 weeks of the filing of the notice of appeal or 12 weeks from decision on the motion to state a constitutional question.

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

Intervener's factum and intervener's book(s) of authorities, (if any), must be filed within eight weeks of the order granting leave to intervene or within 20 weeks of the filing of a notice of intervention under subrule 61(4).

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

2) For notices of appeal filed before June 28, 2002

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 documents.

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.

The Registrar shall enter the appeal on a list of cases to be heard after the respondent's factum is filed or at the end of the eight-week period referred to in Rule 36.

DÉLAIS : APPELS

La session d'automne de la Cour suprême du Canada a commencé le 30 septembre 2002.

La Cour suprême du Canada a adopté de nouvelles règles qui sont entrées en vigueur le 28 juin 2002.

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

1) Pour les avis d'appel déposés le ou après le 28 juin 2002

Le dossier de l'appelant, son mémoire et son recueil de jurisprudence et de doctrine doivent être déposés dans les douze semaines du dépôt de l'avis d'appel ou douze semaines de la décision de la requête pour formulation d'une question constitutionnelle.

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 des documents de l'appelant.

Le mémoire de l'intervenant et son recueil de jurisprudence et de doctrine, le cas échéant, doivent être déposés dans les huit semaines suivant l'ordonnance autorisant l'intervention ou dans les vingt semaines suivant le dépôt de l'avis d'intervention visé au paragraphe 61(4).

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

2) Pour les avis d'appel déposés avant le 28 juin 2002

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 des documents 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.

Le registraire inscrit l'appel pour audition après le dépôt du mémoire de l'intimé ou à l'expiration du délai de huit semaines prévu à la règle 36.

SUPREME COURT OF CANADA SCHEDULE
CALENDRIER DE LA COUR SUPREME

- 2002 -

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

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

- 2003 -

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	M 13	14	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	M 10	11	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	M 10	11	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	M 7	8	9	10	11	12
13	14	15	16	17	H 18	19
20	H 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
4	M 5	6	7	8	9	10
11	12	13	14	15	16	17
18	H 19	20	21	22	23	24
25	26	27	28	29	30	31

JUNE - JUIN						
S D	M L	T M	W M	T J	F V	S S
1	M 2	3	4	5	6	7
8	9	10	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:

18 sitting weeks / semaines séances de la cour

Motions:
Requêtes:

M

80 sitting days / journées séances de la cour

Holidays:
Jours fériés:

H

9 motion and conference days / journées requêtes, conférences

1 holidays during sitting days / jours fériés durant les sessions