

**SUPREME COURT
OF CANADA**



**COUR SUPRÊME
DU CANADA**

**BULLETIN OF
PROCEEDINGS**

**BULLETIN DES
PROCÉDURES**

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

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**APPLICATIONS FOR LEAVE TO
APPEAL FILED**

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

Rachid Mérioud
Daniel Drouin

c. (29316)

Sa Majesté la Reine (Qué.)
Carole Lebeuf
P.G. du Québec

DATE DE PRODUCTION 3.9.2002

M.S.

Sarto Landry

c. (29352)

M.L. (Qué.)
Élisabeth Pinard
Lavery, de Billy

DATE DE PRODUCTION 12.9.2002

**The Minister of Human Resources Development
Canada**

Isabelle Chartier
A.G. of Canada

v. (29351)

Betty Hodge (F.C.)
Chantal Tie
South Ottawa Community Legal Services

FILING DATE 13.9.2002

Dr. Brenlee Kemp
Marvin R.V. Storrow, Q.C.
Blake, Cassels & Graydon
v. (29353)

Dr. Gerald Wittenberg (B.C.)
Larrie R. Jackie
Borden Ladner Gervais

FILING DATE 13.9.2002

Marco Cacciatore
John Weingust, Q.C.

v. (29354)

**Her Majesty the Queen on behalf of the
Corporation of the City of Toronto (Ont.)**
Amanda Ross
City of Toronto

FILING DATE 13.9.2002

M^e Jean Laurin
Josée Ferrari

c. (29313)

**Le Procureur général du Canada, et autres
(Qué.)**
André Perreault
P.G. du Canada

DATE DE PRODUCTION 16.9.2002

**APPLICATIONS FOR LEAVE
SUBMITTED TO COURT SINCE LAST
ISSUE**

**DEMANDES SOUMISES À LA COUR
DEPUIS LA DERNIÈRE PARUTION**

SEPTEMBER 23, 2002 / LE 23 SEPTEMBRE 2002

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

Riccardo DiGiuseppe

v. (29057)

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

NATURE OF THE CASE

Canadian Charter - Criminal - Criminal Law - Whether s. 210 and s. 197(1) of the Criminal Code comply with s. 7 of the Charter

PROCEDURAL HISTORY

June 23, 2000 Ontario Court of Justice (Gorewich J.)	Application to stay charges allowed; s. 210(1) of <i>Criminal Code</i> declared void for uncertainty
January 17, 2002 Court of Appeal for Ontario (Weiler, Sharpe and Simmons JJ.A.)	Appeal allowed; matter remitted for trial
March 15, 2002 Supreme Court of Canada	Application for leave to appeal filed

Ontario Corporate Number 102856, operating as The Brass Rail Tavern, Limited and Michael Cooper

v. (29059)

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

NATURE OF THE CASE

Canadian Charter - Criminal - Criminal Law - Whether s. 210 and s. 197(1) of the Criminal Code comply with s. 7 of the Charter

PROCEDURAL HISTORY

February 10, 2000 Ontario Court of Justice (Marshall J.)	Application to stay charges allowed; s. 210(1) of <i>Criminal Code</i> declared void for uncertainty
January 17, 2002 Court of Appeal for Ontario	Appeal allowed; matter remitted for trial

(Weiler, Sharpe and Simmons JJ.A.)

March 15, 2002
Supreme Court of Canada

Application for leave to appeal filed

Sepp's Gourmet Foods Ltd. and 622257 British Columbia Ltd.

v. (29143)

**Lembit Janes, Karen Janes, Peter Pastewka, 514911 Alberta Inc. and Suncal Holdings Inc.,
Haywood Securities Inc. (B.C.)**

NATURE OF THE CASE

Commercial Law - Securities - Majority group of shareholders propose an arrangement to take a publicly traded company private - Publicly traded company will amalgamate with new company and amalgamated company will be owned by new parent company - Majority group of shareholders intend to own all shares of parent company - Minority group of public company shareholders to be required to sell shares at fixed price or fair value - Interim Order authorizing shareholder vote on proposed arrangement - Interim Order requires that a majority of a Special Minority must vote in favour of the arrangement in order to obtain court approval - Special Minority defined to exclude anyone "acting jointly or in concert" with majority group of shareholders - One shareholder not included in majority group agrees to vote in favour of arrangement - Whether shareholder acted "jointly or in concert" with majority - Whether Court of Appeal erred with respect to relevance of the Ontario Securities Commission's interpretation of the phrase "acting jointly or in concert".

PROCEDURAL HISTORY

November 14, 2001
Supreme Court of British Columbia
(Burnyeat J.)

Petition seeking court approval granted

February 14, 2002
Court of Appeal of British Columbia
(Prowse, Donald and Newbury JJ.A.)

Appeal allowed; approval set aside

March 28, 2002
Supreme Court of Canada

Application for leave to appeal filed

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

Her Majesty the Queen

v. (29137)

Brendon McFadyen (Crim.) (Ont.)

NATURE OF THE CASE

Criminal law - Trial - Evidence - Prior convictions - *R. v. Corbett*, [1988] 1 S.C.R. 670 - *Corbett* application - Whether the Court of Appeal erred in holding that the Respondent's criminal record was of 'minimal probative value' and therefore ought to have been excluded from the evidence due to its significant prejudicial effect? - Whether the Court of Appeal erred in holding that cross-examination of the Respondent as to his criminal convictions should not have been allowed because the Respondent's attack on the complainant's credibility was not based on any assertion that she had a bad character or a criminal record of her own? - Whether the trial judge's ruling that the probative value of the Respondent's prior sexual assault convictions outweighed their prejudicial effect constituted a clear or palpable error justifying intervention by the Court of Appeal?

PROCEDURAL HISTORY

April 14, 2000
Ontario Superior Court of Justice
(Glass J.)

Applicant's *Corbett* application dismissed

April 26, 2000
Ontario Superior Court of Justice
(Glass J.)

Applicant convicted of sexual assault contrary to s. 271 of the *Criminal Code*

June 23, 2000
Ontario Superior Court of Justice
(Glass J.)

Applicant sentenced to 5 years imprisonment and a 10-year firearms prohibition

January 24, 2002
Court of Appeal for Ontario
(Rosenberg, Goudge and Feldman JJ.A.)

Appeal against conviction and sentence allowed; conviction set aside; new trial ordered

March 25, 2002
Supreme Court of Canada

Application for leave to appeal filed

The Continental Insurance Company of Canada

v. (29179)

International Nesmont Industrial Corporation and Nesmont Precious Metals Corporation (B.C.)

NATURE OF THE CASE

Commercial Law - Insurance - Employee dishonesty - Whether Court of Appeal erred in holding that the identifications doctrine did not apply - Whether the Court of Appeal erred in law by allowing a party to benefit from its own fraud - Whether the Court of Appeal erred by replacing trial judge's findings of fact with its own findings of fact in calculating a loss.

PROCEDURAL HISTORY

July 25, 2000 Supreme Court of British Columbia (Sigurdson J.)	Respondents' claims for damages allowed in part
February 22, 2002 Court of Appeal for British Columbia (Southin, Rowles and Ryan JJ.A.)	Appeal allowed in part; portion of award increased
May 7, 2002 Supreme Court of Canada	Application for leave to appeal filed
May 21, 2002 Supreme Court of Canada	Application for leave to cross-appeal filed

Dr. Sylvia R. Hicks

v. (29167)

**West Coast General Hospital, Mr. R. Mustard, Dr. D.C. Martin, Dr. D.A. Sander, Dr. T.A. Meadows,
Dr. J.C.N. Wilson and Dr. L. McDonald (B.C.)**

NATURE OF THE CASE

Torts - Damages - Whether the Court of Appeal erred in its decision to dismiss the applicant's appeal from the judgment of Justice Henderson of the Supreme Court of British Columbia?

PROCEDURAL HISTORY

January 21, 1993 Supreme Court of British Columbia (Mackenzie J.)	Decision of Medical Appeal Board, denying Applicant's applicant for hospital privileges, quashed and matter remitted back to Medical Appeal Board.
July 14, 2000 Supreme Court of British Columbia (Henderson J.)	Applicant's claim in damages against the respondents dismissed and judgment granted to the respondents.
January 21, 2002	Appeal dismissed.

Court of Appeal of British Columbia
(Braidwood, Saunders and Levine JJ.A.)

April 18, 2002
Supreme Court of Canada

Motion to extend time filed.

May 1, 2002
Supreme Court of Canada

Application for leave to appeal filed.

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

Mary T. Collins

v. (29189)

Her Majesty the Queen in Right of Canada (F.C.A)

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Civil - Section 1 of the *Charter* - Spousal allowance under the *Old Age Security Act*, s.19(1)(a) - Social benefit programs - What weight, if any, should be given to cost considerations under section 1 of the *Charter* where a social benefit program is deemed discriminatory? - In order to ensure respect of the constitutional guarantee of equality, should provisions of social programs that are found to be discriminatory be just as closely scrutinized under section 1 of the *Charter* as would any other legislation?

PROCEDURAL HISTORY

October 25, 1999
Federal Court of Canada
(Rothstein J.)

Applicant's action for declaration that paragraph 19(1)(a) of the *Old Age Security Act* of no force and effect, dismissed

March 1, 2002
Federal Court of Appeal
(Strayer, Sharlow and Malone JJ.A.)

Appeal dismissed

April 30, 2002
Supreme Court of Canada

Application for leave to appeal filed

Stamicarbon B.V.

v. (29127)

Urea Casale S.A. (F.C.A)

NATURE OF THE CASE

Procedural law - Summary judgment - Property law - Patents - Construction of patent language - Patent reissued - Whether construction of the word “comprising” in the original patent and of the phrase “characterized in that” in the reissued patent ought to have proceeded by summary judgment - Whether the Court of Appeal erred in concluding that technical expertise would be of assistance in construing these words - Whether the Court of Appeal erred in dismissing the application for summary judgment.

PROCEDURAL HISTORY

July 27, 2000
Federal Court of Canada, Trial Division
(McKeown J.)

Applicant’s motion for summary judgment dismissing Respondent’s counterclaim granted

January 15, 2002
Federal Court of Appeal
(Stone, Sexton and Evans JJ.A.)

Appeal allowed; Applicant’s motion for summary judgment dismissed; cross-appeal dismissed

March 18, 2002
Supreme Court of Canada

Application for leave to appeal filed

Service Corporation International (Canada) Limited

v. (29177)

Scanfield Holdings Ltd. and Arbor Memorial Services Inc. (Ont.)

NATURE OF THE CASE

Commercial law - Company law - Oppression remedy - Costs - Whether the motions judge erred in ordering costs on a solicitor-client scale against a complainant who brought an application for a statutory oppression remedy but abandoned it.

PROCEDURAL HISTORY

September 18, 2001
Ontario Superior Court of Justice
(Spence J.)

Respondents’ motion for an order fixing costs for an abandoned application on a solicitor and client scale granted and Applicant ordered to pay Respondent Arbor Memorial Services Inc. \$211,510.69 and Respondent Scanfield Holdings Ltd. \$65,918.53; Applicant also ordered to pay costs of motion

February 22, 2002
Court of Appeal for Ontario

Applicant’s motion for leave to appeal dismissed

(Catzman, Labrosse and Doherty JJ.A.)

April 23, 2002
Supreme Court of Canada

Application for leave to appeal filed

July 8, 2002
Supreme Court of Canada

Motion for an extension of time granted

F.L.

c. (29211)

M.F. et J.L. (Qué.)

NATURE DE LA CAUSE

Droit de la famille - Divorce - Mineurs - Représentation d'un mineur par avocat ordonnée par le tribunal en vertu de l'art. 394.1 du *Code de procédure civile*, L.R.Q., ch. C-25 - Quel est le rôle de l'avocat nommé en vertu de l'art. 394.1? - Dans quelles circonstances un enfant est-il "mature" et "apte", et qui fait cette détermination? - Est-ce qu'un enfant victime d'aliénation parentale peut être considéré "mature" et "apte"? - Quelles directives devraient être établies en matière de représentation de l'enfant?

HISTORIQUE PROCÉDURAL

Le 2 octobre 2001
Cour supérieure du Québec
(Lemelin j.c.s.)

Requête de l'intimée afin d'obtenir le remplacement du procureur du demandeur rejetée

Le 18 mars 2002
Cour d'appel du Québec
(Rothman, Chamberland et Pelletier jj.c.a.)

Appel accueilli, requête de l'intimée accueillie, retrait de Me Schirm ordonné et dossier retourné à la Cour supérieure pour la nomination d'un autre procureur

Le 15 mai 2002
Cour suprême du Canada

Demande d'autorisation d'appel déposée

SEPTEMBER 26, 2002 / LE 26 SEPTEMBRE 2002

29124 **Allison Bernard Jr. v. Her Majesty the Queen** (N.S.) (Civile)

Coram: McLachlin C.J. and Iacobucci and Arbour JJ.

The application for leave to appeal from the judgment of the Nova Scotia Court of Appeal, Number CAC 169702, dated January 15, 2002, is dismissed.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Nouvelle-Écosse, numéro CAC 169702, daté du 15 janvier 2002, est rejetée.

NATURE OF THE CASE

Constitutional law - Native law - Hunting wildlife with the assistance of a light constitutes a violation of s. 68 of the *Wildlife Act* - Characterization of the aboriginal right - Legislative purpose of s. 68 of the *Act* - Public Safety - Whether s. 68 of the *Act* violates the Applicant's aboriginal rights as protected by s. 35(1) of the *Constitution Act, 1982* - Application of principles of law from *R. v. Sparrow*, [1990] 1 S.C.R. 1075 - Whether the lower courts erred in applying the principles of law to the facts of this case - Whether there are issues of public importance raised - *Wildlife Act*, R.S.N.S. 1989, c-504, s. 68 - *Constitution Act, 1982*, s. 35(1)

PROCEDURAL HISTORY

January 25, 2000 Provincial Court of Nova Scotia (Ross J.P.C.)	Applicant convicted of hunting wildlife with the assistance of a light and acquitted of unlawful possession of an uncased firearm respectively contrary to ss. 68 and 80(4) of the <i>Wildlife Act</i>
February 5, 2001 Supreme Court of Nova Scotia (MacDonald J.)	Appeal allowed; acquittal entered
January 15, 2002 Nova Scotia Court of Appeal (Roscoe, Flinn and Cromwell JJ.A.)	Appeal allowed; conviction restored
March 14, 2002 Supreme Court of Canada	Application for leave to appeal filed

28953 **Richard Guérard c. Robert Chalifour** (Qué.) (Civile)(Autorisation)

Coram : Les juges Bastarache, Binnie et LeBel

La requête pour sursois d'exécution et la demande d'autorisation d'appel de l'arrêt de la Cour d'appel du Québec (Montréal), numéro 500-09-011259-017, daté du 9 octobre 2001, sont rejetées avec dépens.

The motion for a stay of execution and the application for leave to appeal from the judgment of the Court of Appeal of Quebec (Montreal), Number 500-09-011259-017, dated October 9, 2001, are dismissed with costs.

NATURE DE LA CAUSE

Procédure - Procédure civile - Prescription - Responsabilité médicale - Relation fiduciaire - La Cour d'appel a-t-elle fait preuve de discrimination dans sa décision? - La Cour d'appel a-t-elle erré dans l'interprétation de l'art. 523 du *Code de procédure civile*? - La Cour d'appel a-t-elle erré en n'examinant pas la question d'imprescriptibilité des droits extrapatrimoniaux? - La Cour d'appel a-t-elle erré en omettant de considérer que la relation médecin-patient en est une de fiduciaire?

HISTORIQUE PROCÉDURAL

Le 5 juillet 2001 Cour supérieure du Québec (Durocher j.c.s.)	Requête en irrecevabilité de l'intimée, accueillie; action du demandeur rejetée
Le 9 octobre 2001 Cour d'appel du Québec (Baudouin, Chamberland, et Biron [<i>ad hoc</i>] jj.c.a.)	Requête de l'intimée en rejet d'appel accueillie; appel rejeté
Le 10 décembre 2001 Cour suprême du Canada	Demande d'autorisation d'appel déposée

29132 **M.T. et A.H. c. A.T.** (Qué.)(Civile)(Autorisation)

Coram : Les juges Bastarache, Binnie et LeBel

The application for leave to appeal from the judgment of the Court of Appeal of Quebec (Montreal), Number 500-09-011404-019, dated January 30, 2002, is dismissed without costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel du Québec (Montréal), numéro 500-09-011404-019, daté du 30 janvier 2002, est rejetée sans dépens.

NATURE DE LA CAUSE

Droit de la famille - Accès - Requête présentée par le grand-père en vertu de l'art. 611 du *Code civil du Québec*, L.Q. 1991, ch. 64, pour obtenir le droit de voir son petit-fils - Est-ce que le juge de première instance a erré en appliquant un critère autre que le meilleur intérêt de l'enfant? - Quelle est la signification et le but de l'art. 611 à la lumière du test du meilleur intérêt de l'enfant? - La Cour supérieure et la Cour d'appel ont-elles appliqué l'art. 611 de façon correcte et raisonnable?

HISTORIQUE PROCÉDURAL

Le 21 août 2001 Cour supérieure du Québec (Piché j.c.s.)	Requête du grand-père pour droits de visite accueillie en partie
Le 30 janvier 2002 Cour d'appel du Québec (Beauregard, Gendreau et Rochon [<i>ad hoc</i>] jj.c.a.)	Pourvoi rejeté
Le 28 mars 2002 Cour suprême du Canada	Demande d'autorisation d'appel déposée

HISTORIQUE PROCÉDURAL

Le 2 mai 1996
Cour supérieure du Québec
(Trotier j.c.s)

Demandeur déclaré coupable de meurtre au deuxième degré conformément à l'article 231(7) et 235 du *Code criminel*

Le 24 juillet 1998
Cour d'appel du Québec
(Beauregard, Brossard et Chamberland jj.c.a.)

Pourvoi du demandeur rejeté

Le 1er juin 2001
Cour suprême du Canada
(L'Heureux-Dubé j.)

Requête en prorogation du délai accordée

Le 23 novembre 2001
Cour suprême du Canada
(Iacobucci j.)

Requête en prorogation du délai accordée

Le 29 janvier 2002
Cour suprême du Canada

Demande d'autorisation d'appel déposée

28786 Yvon Descôteaux c. Barreau du Québec -et- Procureur général du Québec et Procureur général du Canada (Qué.) (Civile) (Autorisation)

Coram : Les juges Bastarache, Binnie et LeBel

La demande de réexamen de la demande d'autorisation d'appel rejetée le 14 mars 2002, a aujourd'hui été rejetée sans dépens.

The motion for reconsideration of the application for leave to appeal dismissed on March 14, 2002, was this day dismissed without costs.

16.9.2002

Before / Devant: ARBOUR J.

Motion to adduce new evidence

Requête visant à produire de nouveaux éléments de preuve

La Caisse Populaire Desjardins de Val-Brillant

c. (28483)

Métivier & Associés Inc. (Qué.)

GRANTED / ACCORDÉE La requête de l'appelante pour obtenir une ordonnance lui permettant de produire un élément de preuve supplémentaire, soit une lettre de la Direction des régimes enregistrés de l'Agence des douanes et du revenu du Canada est accordée.

18.9.2002

Before / Devant: MAJOR J.

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

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

Lorena Kerr, et al.

v. (29322)

Mel Gill, et al. (Ont.)

DISMISSED / REJETÉE

UPON APPLICATION by the applicants for an order extending the time to serve and file an application for leave to appeal;

AND HAVING READ the material filed ;

IT IS HEREBY ORDERED THAT:

The application for an extension of time is dismissed.

18.9.2002

Before / Devant: MAJOR J.

Motions for leave to intervene**Requêtes en autorisation d'intervention**

BY/PAR: Attorney General of Ontario
Friends of the Earth/Les Ami(e)s de
la Terre

IN/DANS: La Compagnie Pétrolière Impériale
Limitée

c. (28835)

Le procureur général du Québec pour
et au nom du ministre de
l'Environnement, Monsieur André
Boisclair (anciennement Monsieur
Paul Bégin) (Qué.)

GRANTED / ACCORDÉES

UPON APPLICATION by the Attorney General of Ontario and the Friends of the Earth/Les Ami(e)s de la Terre for leave to intervene in the above appeal;

AND HAVING READ the material filed ;

IT IS HEREBY ORDERED THAT:

1. The motion for leave to intervene of the applicant Attorney General of Ontario is granted and the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length.
2. The motion for leave to intervene of the applicant Friends of the Earth/Les Ami(e)s de la Terre 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 59 (1)(a) the interveners shall pay to the appellant and respondent any additional disbursements occasioned to the appellant and respondent by the interventions.

À LA SUITE DES DEMANDES du Procureur général de l'Ontario et Friends of the Earth / Les Ami(e)s de la Terre visant à obtenir l'autorisation d'intervenir dans l'appel susmentionné;

ET APRÈS AVOIR LU la documentation déposée;

L'ORDONNANCE SUIVANTE EST RENDUE;

1. La demande d'autorisation d'intervenir présentée par le Procureur général de l'Ontario est accueillie; le requérant aura le droit de signifier et déposer un mémoire de 20 pages tout au plus.
2. La demande d'autorisation d'intervenir présentée par le Friends of the Earth / Les Ami(e)s de la Terre est accueillie; le requérant aura le droit de signifier et déposer un mémoire de 20 pages tout au plus.

La demande visant à présenter une plaidoirie sera examinée après la réception et l'examen de l'argumentation écrite des parties et des intervenants.

Les intervenants n'auront pas le droit de produire d'autres éléments de preuve ni d'ajouter quoi que ce soit au dossier des parties.

Conformément au par. 59(1)(a) des Règles de la Cour suprême du Canada, les intervenants paieront à l'appelante et à l'intimé tous débours supplémentaires résultant de leur intervention.

19.9.2002

Before / Devant: ARBOUR J.

Motions for leave to intervene

Requêtes en autorisation d'intervention

BY/PAR: Public Service Alliance of Canada
Canadian Labour Congress

IN/DANS: Bell Canada

v. (28743)

Canadian Telephone Employees
Association, et al. (F.C.)

GRANTED / ACCORDÉES

UPON APPLICATION by the Public Service Alliance of Canada and the Canadian Labour Congress for extensions of time and for leave to intervene in the above appeal;

AND HAVING READ the material filed ;

IT IS HEREBY ORDERED THAT:

1. The motion for leave to intervene of the applicant Public Service Alliance of Canada is granted and the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length.
2. The motion for an extension of time and for leave to intervene of the applicant Canadian Labour Congress 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.

The interveners shall pay to the appellant and respondents any additional disbursements occasioned to the appellant and respondents by the interventions.

19.9.2002

Before / Devant: ARBOUR J.

Further order on motions for leave to intervene

**Autre ordonnance sur des requêtes en autorisation
d'intervention**

BY/PAR: Canadian Labour Congress
Ontario Network of Injured Workers'
Group
Attorney General of British Columbia

IN/DANS: Ruth A. Laseur

v. (28370)

Workers' Compensation Board of
Nova Scotia, et al. (N.S.)

and

Donald Martin

v. (28372)

Workers' Compensation Board of
Nova Scotia, et al. (N.S.)

UPON APPLICATION by the Canadian Labour Congress, the Ontario Network of Injured Workers' Group and the Attorney General of British Columbia for leave to intervene in the above appeals and pursuant to the orders of October 29, 2001 and February 12, 2002;

IT IS HEREBY FURTHER ORDERED THAT the said interveners are each granted permission to present oral argument not exceeding fifteen (15) minutes in total at the hearing of the appeals.

20.9.2002

Before / Devant: MAJOR 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: Attorney General of British Columbia

IN/DANS: Her Majesty the Queen

v. (28533)

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

GRANTED / ACCORDÉE

UPON APPLICATION by the Attorney General of British Columbia for an extension of time and for leave to intervene in the above cross-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 Attorney General of British Columbia is granted and the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length.

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

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

Pursuant to Rule 59(1)(a) the intervener shall pay to the appellant and respondents any additional disbursements occasioned to the appellant and respondents by the intervention.

23.9.2002

Before / Devant: THE CHIEF JUSTICE

Motion to adjourn the hearing of the appeal

Requête pour ajourner l'audition de l'appel

The Estate of Manish Odhavji, Deceased, et al.

v. (28425)

Detective Martin Woodhouse, et al. (Ont.)

GRANTED / ACCORDÉE

UPON APPLICATION by the respondents Martin Woodhouse and Phillip Gerrits for an order adjourning the hearing of the appeal to the Winter Session;

AND HAVING READ the consents of the parties;

IT IS HEREBY ORDERED THAT:

The application is granted.

23.9.2002

Before / Devant: THE CHIEF JUSTICE

Motion to adjourn the hearing of the appeal

Requête pour ajourner l'audition de l'appel

Her Majesty the Queen in Right of Alberta

v. (28261)

Devon Gary Ell, et al. (Alta.)

GRANTED / ACCORDÉE

UPON APPLICATION by the appellant for an order adjourning the hearing of the appeal;

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The application is granted, the hearing of the appeal is adjourned to the Winter Session.

23.9.2002

Before / Devant: THE CHIEF JUSTICE

Motion to remove the appeal from the Fall Session

Requête pour rayer l'appel de la session de l'automne

R.R.

v. (28933)

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

GRANTED / ACCORDÉE

UPON APPLICATION by the appellant for an order removing the appeal from the Fall Session;

AND HAVING READ the consent filed;

IT IS HEREBY ORDERED THAT:

The application is granted.

23.9.2002

Before / Devant: THE CHIEF JUSTICE

Motion to state a constitutional question

Requête pour énoncer une question constitutionnelle

Inspector David Jones

v. (28846)

Don Morrison, Police Complaint Commissioner, et al.
(B.C.)

DISMISSED / REJETÉE

UPON APPLICATION by the appellant for an order stating a constitutional question in the above appeal;

AND HAVING READ the material filed ;

IT IS HEREBY ORDERED THAT:

The application to state a constitutional question is dismissed.

DEADLINES: APPEALS

The Fall Session of the Supreme Court of Canada will commence 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 commencera 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