

**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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Clifford D. O'Brien, Q.C.
Bennett Jones

v. (29238)

Alberta Treasury Branches, et al. (Alta.)

David D. Tavender, Q.C.
Fraser Milner Casgrain

- and between-

Elmer Leahy

John A. Weir, Q.C.
Weir Bowen

v. (29238)

Alberta Treasury Branches, et al. (Alta.)

David D. Tavender, Q.C.
Fraser Milner Casgrain

FILING DATE 21.5.2002

The Toronto-Dominion Bank and The Canadian Imperial Bank of Commerce

William J. Burden
Cassels Brock & Blackwell

v. (29235)

Metroland Printing, Publishing and Distribution Ltd. (Ont.)

Reid Lester
Poss & Halfnight

FILING DATE 3.6.2002

Jacques Laurendeau

Jacques Laurendeau

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

Donovan Elliot Gates

Christopher W. Brennan

v. (29191)

Her Majesty the Queen (B.C.)

William F. Ehrcke, Q.C.
A.G. of British Columbia

FILING DATE 10.6.2002

M.L.H.

Susan D. Baragar
Jones & Associates

v. (29229)

Winnipeg Child and Family Services (Man.)

Dean R. Kropp
Scurfield Tapper Cuddy

FILING DATE 31.5.2002

Jean-Guy Bourgoïn, et autres

Louis Belleau
Filteau, Belleau, Normandeau

c. (29232)

Sa Majesté la Reine (Qué.)

Madeleine Giauque
P.G. du Québec

DATE DE PRODUCTION 7.6.2002

Ville de Laval

André Bourgeois
Deveau, Lavoie & Associés

c. (29239)

Développement Drummond Inc., et autres (Qué.)

Jacques Hurllet
Bélanger Sauvé

DATE DE PRODUCTION 7.6.2002

c. (29241)

Université Laval (Qué.)
Reynald Poulin
Beauvais Truchon & Associés

DATE DE PRODUCTION 29.4.2002

- et entre-

Jacques Laurendeau
Jacques Laurendeau

c. (29241)

Université Laval (Qué.)
Reynald Poulin
Beauvais Truchon & Associés

DATE DE PRODUCTION 10.6.2002

**Commission des droits de la personne et des droits
de la jeunesse en faveur de Jean-Marc Larocque**
Pierre-Yves Bourdeau
Commission des droits de la personne et des
droits de la jeunesse

c. (29231)

Communauté urbaine de Montréal (Qué.)
Pierre-Yves Boisvert
Leduc, Bélanger, Boisvert, Laurendeau,
Rivard

DATE DE PRODUCTION 31.5.2002

Judson Dickens
Laura K. Stevens
Anderson, Dawson, Knisely, Steven &
Shaigec

v. (29240)

Her Majesty the Queen (Alta.)
Richard F. Taylor, Q.C.
A.G. of Alberta

FILING DATE 10.6.2002

Réjean Demers
Suzanne Gagné
Guy Bertrand & Associés

c. (29234)

Sa Majesté la Reine (Qué.)
Nadine Dubois
P.G. du Québec

DATE DE PRODUCTION 3.6.2002

JUNE 24, 2002 / LE 24 JUIN 2002

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

Daniel Armaly

v. (29130)

Parole Service and Correctional Service Canada and the National Parole Board (Crim.) (Alta.)

NATURE OF THE CASE

Canadian *Charter* - Criminal - Criminal law - Prerogative Writs - *Habeas corpus* - Whether the Applicant was entitled to a writ of *habeas corpus* with *certiorari* in aid under the circumstances of this case.

PROCEDURAL HISTORY

February 28, 2001
Court of Queen's Bench of Alberta
(Kent J.)

Applicant's application for writ of *habeas corpus* granted;
Applicant released

October 5, 2001
Court of Appeal of Alberta
(Fraser C.J.A., O'Leary and Wittmann JJ.A.)

Appeal allowed; application for *habeas corpus* dismissed

April 3, 2002
Supreme Court of Canada

Application for leave to appeal and motion to extend time
filed

ScotiaMcLeod, now Scotia Capital Inc.

v. (28871)

**The Bank of Nova Scotia, Guy Thibault, Regroupement des assureurs de personnes à
Charte du Québec (R.A.C.Q.), La Caisse Centrale Desjardins du Québec
and La Caisse Populaire Desjardins de Terrebonne (Que.)**

NATURE OF THE CASE

Civil Code - Annuities - Trusts - Exemption from seizure - Registered retirement savings plan - Whether the Court of Appeal of Quebec erred in its interpretation and application of s. 178 of the *Trust Companies and Savings Companies Act*, R.S.Q. ch. S-29.01 - Whether the right to make withdrawals from a registered retirement savings plan and the right to give instructions as to the investment of the capital prevented the formation of a valid contract of annuity under articles 2367 and following of the *Civil Code of Québec* - Whether the right to make withdrawals from a registered retirement savings plan and the right to give instructions as to the investment of the capital prevented the formation of a valid private trust under articles 1260 and following of the *Civil Code of Québec*?

PROCEDURAL HISTORY

September 27, 1999 Superior Court of Quebec (Trudeau J.)	Respondent Guy Thibault's motion to annul the Respondent Bank of Nova Scotia's seizure of R.R.S.P. funds held with the Applicant dismissed
August 28, 2001 Court of Appeal of Quebec (Rothman [dissenting], Fish and Chamberland JJ.A.)	Applicant's appeal dismissed
October 26, 2001 Supreme Court of Canada	Application for leave to appeal filed
November 22, 2001 Supreme Court of Canada	Application for leave to cross-appeal filed by Respondent Regroupement des assureurs de personnes à charte du Québec

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

Robert Lavigne

v. (28836)

Attorney General of Québec (Que.)

NATURE OF THE CASE

Procedural law - Civil procedure - Language rights at trial - Motion to have opposing counsel plead in English before the Federal Court, Trial Division - Whether the Respondent has the obligation to make representations in court in English, orally and in writing, when so requested by a natural person - Whether a court has an obligation under s.19(1) of the *Canadian Charter of Rights and Freedoms* to translate all proceedings into the other official language at the request of a natural person - Whether the Respondent's refusal to assign counsel to plead in English was *ultra vires* and unconstitutional - Whether the Respondent is a person with language rights under Quebec law - Whether, when acting pursuant to a power delegated by the federal government, a provincial government must comply with the federal government's obligations with respect to language rights

PROCEDURAL HISTORY

December 14, 2000 Superior Court of Quebec (Lemelin J.)	Applicant's motion for judicial review and declaratory judgement seeking recognition of his right to have Respondent plead in English dismissed
May 14, 2001 Quebec Court of Appeal (Mailhot, Thibault and, Letarte [<i>ad hoc</i>] JJ.A.)	Appeal dismissed
August 20, 2001 Quebec Court of Appeal (Chamberland, Nuss and Robert JJ.A.)	Applicant's motion pursuant to s. 37 of the <i>Supreme Court Act</i> , R.S.C. 1985, c. S-26, dismissed
October 5, 2001 Supreme Court of Canada	Application for leave to appeal filed and motion to extend time

M.V.

c. (29101)

**Diane Gagnon, directrice de la protection de la jeunesse,
J.V. et M.R. (Qué.)**

NATURE DE LA CAUSE

Législation - Interprétation - Tribunaux - Jugements et ordonnances - Compétence - La Cour d'appel a-t-elle erré en refusant de reconnaître la compétence de la Cour du Québec de spécifier le type d'hébergement correspondant à l'intérêt supérieur de l'enfant? - La Cour d'appel a-t-elle erré en refusant de reconnaître que le pouvoir administratif exercé par le Directeur de la protection de la jeunesse dans le cadre de l'art. 62 de la *Loi sur la protection de la jeunesse*, L.R.Q., ch. P-34.1, constitue de l'ingérence de la part de l'État dans la fonction judiciaire qui impose au juge de la Cour du Québec un rôle unique visant à déterminer l'intérêt supérieur de l'enfant? - La Cour d'appel a-t-elle erré en omettant de tenir compte des art. 32 et 33 du *Code civil du Québec*, L.Q. 1991, ch. 64, et de l'art. 3 de la *Loi sur la protection de la jeunesse* qui garantissent à l'enfant que toute décision doit être prise dans son intérêt et dans le respect de ses droits et ce, en conformité avec les principes de justice fondamentale? - La Cour d'appel a-t-elle erré en refusant de reconnaître que la Cour du Québec a le devoir et le pouvoir de contrôler la discrétion exercée par le Directeur de la protection de la jeunesse dans le cadre de l'art. 62 de la *Loi sur la protection de la jeunesse*? - La Cour d'appel a-t-elle erré en ignorant les principes et les règles d'interprétation concernant la portée, l'esprit et l'objet de la *Loi sur la protection de la jeunesse* et en omettant de tenir compte de la connaissance d'office que le juge siégeant à la Cour du Québec possède du contexte social découlant de l'hébergement des enfants en centre de réadaptation?

HISTORIQUE PROCÉDURAL

Le 3 novembre 1999
Cour du Québec (Chambre de la jeunesse)
(Prévost j.c.q.)

Requête en révision de l'ordonnance confiant le demandeur à une famille d'accueil accordée; poursuite de l'hébergement du demandeur en foyer de groupe ordonnée

Le 8 mai 2000
Cour supérieure du Québec
(Chaput j.c.s.)

Appel de l'intimée Diane Gagnon accueilli; hébergement du demandeur en centre de réadaptation ordonné

Le 7 janvier 2002
Cour d'appel du Québec
(Vallerand, Rousseau-Houle et Rochon [*ad hoc*] jj.c.a.)

Appel rejeté

Le 4 mars 2002
Cour suprême du Canada

Demande d'autorisation d'appel déposée

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

Gordon Garland

v. (29052)

The Consumers' Gas Company Limited (Ont.)

NATURE OF THE CASE

Torts - Unjust enrichment - Criminal rate of interest charged by Respondent to Applicant and the class of plaintiffs he proposes to represent - Whether the amounts charged constituted unjust enrichment for the Respondent - Whether the Respondent benefited from the amounts charged - Whether the Respondent had a juristic reason for making the charges - Whether restitution was appropriate in the circumstances - Whether a preservation order was appropriate in the circumstances.

PROCEDURAL HISTORY

April 19, 2000
Ontario Superior Court
(Winkler J.)

Respondent's motion for summary judgment granted:
Applicant's claim for restitution of late payment penalties
dismissed

December 3, 2001
Court of Appeal for Ontario
(McMurtry C.J.O., Borins and MacPherson JJ.A.)

Appeal dismissed

January 31, 2002
Supreme Court of Canada

Application for leave to appeal filed

Myer Herzig and David Martin

v. (29088)

Her Majesty the Queen in Right of Canada as represented by Treasury Board (F.C.A)

NATURE OF THE CASE

Administrative law - Judicial review - Prerogative writs - *Mandamus* - *Certiorari* - Whether the Court of Appeal has set the standard for finding that there is an apprehension of bias at an unattainable level in respect of the Nominee's conduct in the Classification Grievance Procedure? - Whether the Court of Appeal failed to apply the basic tenets of an adjudicator being *functus* as enunciated in *Chandler v. Alberta Association of Architects* [1989] 2 S.C.R. 848, in respect of the Nominee's approval of the Committee report on August 24, 1999 and the Nominee's decision of January 11, 2000?

PROCEDURAL HISTORY

February 7, 2001
Federal Court of Canada, Trial Division
(McKeown J.)

Application for writ of *certiorari* and writ of *mandamus*
ordering the Respondent to reclassify applicants'
positions from PM-06 to LA-02 dismissed

January 28, 2002
Federal Court of Appeal

(Stone, Evans and Malone JJ.A.)

Appeal dismissed

February 15, 2002
Supreme Court of Canada

Application for leave to appeal filed

Her Majesty the Queen, Province of Saskatchewan as represented by the Minister of Finance

v. (29036)

Canadian Broadcasting Corporation (Sask.)

NATURE OF THE CASE

Taxation - Assessment - Provincial Minister of Finance making estimate of tax payable by CBC under *The Education and Health Tax Act*, R.S.S. 1978, c. E-3, on telecommunication services acquired from Telesat - Board of Revenue Commissioners and Queen's Bench affirming taxes - Court of Appeal allowing appeal in part - Whether Court of Appeal's decision interprets power of tax administrators to estimate a taxpayer's tax liability in a manner inconsistent with decisions of other courts.

PROCEDURAL HISTORY

May 6, 1997
Board of Revenue Commissioners
(McNamee, Chairman)

Respondent's appeal dismissed

July 10, 1998
Court of Queen's Bench for Saskatchewan
(Barclay J.)

Appeal dismissed

December 4, 2001
Court of Appeal for Saskatchewan
(Cameron, Gerwing and Sherstobitoff JJ.A.)

Appeal allowed in part

January 28, 2002
Supreme Court of Canada

Application for leave to appeal filed

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

David Simpson

v. (29081)

**Consumers' Association of Canada, Canadian Consumer Inc., Marilyn Lister,
Rosalie Daly Todd and Tony Dearness (Ont.)**

NATURE OF THE CASE

Torts - Master and servant - Wrongful dismissal - Sexual harassment - Commercial law - Contracts - Induced breach of contract - Damages - Appellate court standard of review - Whether sexual harassment can be found objectively in the absence of a subjective element - Whether social activities among colleagues without nexus to the workplace are part of the workplace.

PROCEDURAL HISTORY

March 12, 1999
Superior Court of Justice
(McKinnon J.)

Applicant awarded damages for wrongful dismissal and induced breach of contract

December 21, 2001
Court of Appeal for Ontario
(Catzman, Feldman and MacPherson JJ.A.)

Appeal allowed: action against Respondent Todd dismissed

February 19, 2002
Supreme Court of Canada

Application for leave to appeal filed

**JUDGMENTS ON APPLICATIONS
FOR LEAVE**

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

JUNE 25, 2002 / LE 20 JUIN 2002

29012 **Richard Carter, David Simmons, Howard Simmons, Judy Hynes, Brian Wellon, Patricia Wellon**
- v. - The Town Council of the Town of Pasadena and The Minister of Municipal and Provincial
Affairs (Nfld.) (Civil)

CORAM: Gonthier, Major and LeBel JJ.

The application for an extension of time is granted and the application for leave to appeal is dismissed with costs to the Respondent, Town Council of the Town of Pasadena.

La demande de prorogation de délai est accordée et la demande d'autorisation d'appel est rejetée avec dépens en faveur de l'intimé, le Conseil municipal de la ville de Pasadena.

NATURE OF THE CASE

Municipal law - Expropriation - Equity - *Laches* - Whether the defence of *laches* was properly allowed when no evidence was presented to ground the defence - Whether it is necessary to respect individual property rights in a "perimeter expropriation" - Whether the Court of Appeal's decision is in conflict with *Costello v. Calgary* [1983] 1 S.C.R. 14.

PROCEDURAL HISTORY

December 21, 2000 Supreme Court of Newfoundland (Welsh J.)	Application for declaration that expropriation of Applicants' land by Respondent Town of Pasadena was invalid dismissed
October 16, 2001 Court of Appeal of Newfoundland (Gushue, Steele and Roberts JJ.A.)	Appeal dismissed.
January 7, 2002 Supreme Court of Canada	Application for leave to appeal filed

28913 **Allen Mryglod and Sylvia Mryglod - v. - Nestor Mryglod, Freshair Enterprise Ltd, Classic Super**
Seamless Exteriors (1988) Ltd. and Freshair Buildings Systems, Marilyn Kotrla (Sask.) (Civil)

CORAM: Gonthier, Major and LeBel JJ.

The application for leave to appeal is dismissed with costs to the Respondent, Marilyn Kotrla.

La demande d'autorisation d'appel est rejetée avec dépens en faveur de l'intimée, Marilyn Kotrla.

NATURE OF THE CASE

Procedural law - Civil procedure - Abuse of process - Siblings brought a motion to amend their pleadings in an action against brother and his companies to add brother's wife and allegations relating to debts by the companies which had been rejected in a matrimonial action between the husband and wife - Wife brought motion to strike herself as defendant in siblings' action and strike allegations against her - Whether Court of Appeal erred in overturning motions judge's order allowing amendments and dismissing motion to strike - Whether Court of Appeal erred in application of doctrine of abuse of process.

PROCEDURAL HISTORY

April 17, 2001
Court of Queen's Bench of Saskatchewan
(Barclay J.)

Applicants' motion to amend statement of claim, allowed;
Respondent Kotrla's application to strike her as a
defendant and all allegations against her, dismissed

September 10, 2001
Court of Appeal for Saskatchewan
(Gerwing, Sherstobitoff and Jackson JJ.A.)

Appeal allowed: Order amending pleadings, set aside;
Respondent Kotrla struck as defendant

November 9, 2001
Supreme Court of Canada

Application for leave to appeal filed

28914 **Nestor Laverne Mryglod - v. - Marilyn Kotrla** (Sask.) (Civil)

CORAM: **Gonthier, Major 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

Family law - Division of property - Valuation of assets - Alleged interests of siblings in companies operated by husband - Siblings not allowed to be added as parties to the *Matrimonial Property Act* action - Whether Court erred in failing to direct a new trial in order to have the extent of siblings' interest in certain assets owned by the Applicant determined before valuing the extent of the Applicant's property subject to division.

PROCEDURAL HISTORY

August 10, 2000
Court of Queen's Bench of Saskatchewan
(Wimmer J.)

Matrimonial property valued at \$658, 962. 96: equal
division ordered

September 10, 2001
Court of Appeal for Saskatchewan
(Gerwing, Sherstobitoff and Jackson JJ.A.)

Applicant's appeal dismissed

November 9, 2001
Supreme Court of Canada

Application for leave to appeal filed

29020 **Chateau Lafleur Development Corporation and Can-Euro Investments Limited - v. - Maritime Telegraph and Telephone Company Limited and Maritime Tel & Tel Limited** (N.S.) (Civil)

CORAM: Gonthier, Major 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

Property law - Real property - Easements - Express grant of easement - Equitable easements - Remedies - Entitlement to damages - Respondents seeking declaration of easement and damages for wrongful interference with contractual relations - Declaration of an equitable easement in the Respondents' favour which the Applicants must maintain granted - Claim for damages arising from the lost sale of land dismissed - What is the legal definition of notice - What is the purchaser's duty of inquiry - Constructive notice of facts which were not disclosed - Whether there are issues of public importance raised.

PROCEDURAL HISTORY

January 24, 2001
Supreme Court of Nova Scotia, Trial Division
(Kelly J.)

Respondents' action for declaration recognizing their easement over the Applicants' land, allowed; Respondents' action for damages dismissed

November 27, 2001
Nova Scotia Court of Appeal
(Cromwell, Roscoe and Saunders JJ.A.)

Appeal and cross appeal dismissed without costs

January 11, 2002
Supreme Court of Canada

Application for leave to appeal filed

28986 **Constantine Bassis - v. - Century 21 Parkland Ltd.** (Ont.) (Civil)

CORAM: Gonthier, Major 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 - Property law - Real property - Respondent claiming six percent commission on sale of commercial property by Applicant - Trial judge finding that Respondent introduced purchaser to property within meaning of listing agreement and granting claim for payment - Whether Court of Appeal erred in upholding decision.

PROCEDURAL HISTORY

May 2, 2000 Superior Court of Justice (Wright J.)	Respondent's claim for payment of commission granted
May 15, 2001 Superior Court of Justice (Divisional Court) (MacFarland, Then and Flinn JJ.)	Appeal dismissed
October 29, 2001 Court of Appeal for Ontario (Catzman, Abella and Moldaver JJ.A.)	Motion for leave to appeal dismissed
December 28, 2001 Supreme Court of Canada	Application for leave to appeal filed

29002 **Noël Ayangma - v. - Government of Prince Edward Island** (P.E.I.) (Civil)

CORAM: Gonthier, Major 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

Canadian Charter of Rights and Freedoms - Civil rights - Equality - Discrimination - Employment - Whether the Applicant's s. 15 rights were infringed by the manner in which the Respondent's position of Race Relations Consultant was filled - Whether the appellate court erred in its application of the law when it allowed the Respondent's cross-appeal - Whether the trial judge erred in the remedy granted.

PROCEDURAL HISTORY

September 22, 2000 Supreme Court of Prince Edward Island, Trial Division (Webber J.)	Applicant's action for damages for discrimination on the basis of race or colour granted: Applicant awarded general damages in the amount of \$7,500
October 22, 2001 Supreme Court of Prince Edward Island, Appeal Division (Mitchell C.J.P.E.I., McQuaid and Carruthers JJ.A.)	Applicant's appeal dismissed; cross-appeal allowed, action dismissed
November 19, 2001 Supreme Court of Canada	Application for leave to appeal filed

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

CORAM: Gonthier, Major and Binnie JJ.

The motion for reconsideration is dismissed with costs.

La demande de réexamen est rejetée avec dépens.

17.6.2002

Before / Devant: BASTARACHE 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

Margaret Moar, et al.

v. (28925)

Les oblats de Marie Immaculée du Manitoba and Oblate Sisters de Saint Boniface, et al. (Man.)

GRANTED / ACCORDÉE Time extended to June 5, 2002.

19.6.2002

Before / Devant: THE DEPUTY REGISTRAR

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

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

David Albert Siemens, et al.

v. (28416)

The Attorney General of Manitoba, et al. (Man.)

GRANTED / ACCORDÉE Time extended to May 31, 2002, *nunc pro tunc*.

19.6.2002

Before / Devant: THE DEPUTY REGISTRAR

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

Ruth A. Laseur

v. (28370)

Donald Martin

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

v. (28372)

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

and

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

GRANTED / ACCORDÉE Time extended to June 3, 2002.

19.6.2002

Before / Devant: THE DEPUTY REGISTRAR

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

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

Syndicat des travailleurs et travailleuses des postes, et al.

c. (29158)

Société canadienne des postes (Qué.)

GRANTED / ACCORDÉE Délai prorogé au 30 mai 2002.

19.6.2002

Before / Devant: BINNIE 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

Gregory Venn

v. (29233)

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

GRANTED / ACCORDÉE Time extended to August 30, 2002.

19.6.2002

Before / Devant: BINNIE J.

Miscellaneous motion

Autre requête

The Honourable Robert H. Nelson, Founder President of Public Defenders for himself and as representative of all those also improperly denied benefits

v. (29195)

Her Majesty the Queen as represented by the Honourable Martin Cauchon, Minister of Canada Customs and Revenue Agency (F.C.)

DISMISSED WITH COSTS / REJETÉE AVEC DÉPENS

The motion by the applicant for an order for \$50,000.00 punitive damages to be paid forthwith by the respondent is dismissed with costs.

19.6.2002

Before / Devant: BINNIE J.

Miscellaneous motion

Autre requête

The Honourable Robert H. Nelson, Founder President of Public Defenders for himself and as representative of all those also improperly denied benefits

v. (29193)

Her Majesty the Queen as represented by the Honourable Martin Cauchon, Minister of Canada Customs and Revenue Agency (F.C.)

DISMISSED WITH COSTS / REJETÉE AVEC DÉPENS

The motion by the applicant for an order for \$50,000.00 punitive damages to be paid forthwith by the respondent is dismissed with costs.

19.6.2002

Before / Devant: BINNIE 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

Ed Dick, also known as Edward Dick, also known as Edward : Dick

v. (29128)

Her Majesty the Queen (B.C.)

GRANTED / ACCORDÉE Time extended to March 27, 2002.

20.6.2002

Before / Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to serve and file the appellant's response to the motion to intervene by the Métis Chief Roy E.J. DeLaRonde

Requête en prorogation du délai pour signifier et déposer la réponse de l'appelante à la requête en intervention du Chef Métis Roy E.J. DeLaRonde

Her Majesty the Queen

v. (28533)

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

GRANTED / ACCORDÉE Time extended to June 7, 2002.

21.6.2002

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'intimée

The Honourable Robert H. Nelson, Founder President of Public Defenders for himself and as representative of all those also improperly denied benefits

v. (29195)

Her Majesty the Queen as represented by the Honourable Martin Cauchon, Minister of Canada Customs and Revenue Agency (F.C.)

GRANTED / ACCORDÉE Time extended to June 21, 2002.

21.6.2002

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'intimée

The Honourable Robert H. Nelson, Founder President of Public Defenders for himself and as representative of all those also improperly denied benefits

v. (29193)

Her Majesty the Queen as represented by the Honourable Martin Cauchon, Minister of Canada Customs and Revenue Agency (F.C.)

GRANTED / ACCORDÉE Time extended to June 21, 2002.

21.6.2002

Before / Devant: MAJOR J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Métis Chief Roy E.J. DeLaRonde, on behalf of the Red Sky Métis Independent Nation

IN/DANS: Her Majesty the Queen

v. (28533)

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

GRANTED / ACCORDÉE

UPON APPLICATION by the Métis Chief Roy E.J. DeLaRonde, on behalf of the Red Sky Métis Independent Nation 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 Métis Chief Roy E.J. DeLaRonde, on behalf of the Red Sky Métis Independent Nation is granted and the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length.

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

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

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

21.6.2002

Before / Devant: LEBEL J.

Motions for leave to intervene

Requêtes en autorisation d'intervention

BY/PAR: Attorney General of Alberta
Attorney General of British Columbia
Attorney General of New Brunswick
Attorney General of Newfoundland
and Labrador
Attorney General of Ontario

IN/DANS: Glenda Doucet-Boudreau, et al.

v. (28807)

Attorney General of Nova Scotia
(N.S.)

GRANTED / ACCORDÉES

UPON APPLICATION by the Attorney General of Alberta, the Attorney General of British Columbia, the Attorney General of New Brunswick, the Attorney General of Newfoundland, and the Attorney General of Ontario 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 Alberta 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 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.
3. The motion for leave to intervene of the applicant Attorney General of New Brunswick is granted and the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length.
4. The motion for leave to intervene of the applicant Attorney General of Newfoundland and Labrador is granted and the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length.
5. 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.

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 interveners shall pay to the appellants and respondent any additional disbursements occasioned to the appellants and respondent by the interventions.

**NOTICES OF INTERVENTION FILED
SINCE LAST ISSUE**

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

10.6.2002

BY/PAR: Attorney General of Saskatchewan

IN/DANS: **Her Majesty the Queen in Right of Alberta**

v. (28261)

Devon Gary Ell, et al. (Alta.)

11.6.2002

BY/PAR: Attorney General of Ontario

IN/DANS: **Her Majesty the Queen in Right of Alberta**

v. (28261)

Devon Gary Ell, et al. (Alta.)

DEADLINES: MOTIONS

DÉLAIS: REQUÊTES

BEFORE THE COURT:

Pursuant to Rule 23.1 of the *Rules of the Supreme Court of Canada*, the following deadlines must be met before a motion before the Court can be heard:

Motion day : **September 30, 2002**
Service : September 9, 2002
Filing : September 13, 2002
Respondent : September 20, 2002

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 : **30 septembre 2002**
Signification : 9 septembre 2002
Dépôt : 13 septembre 2002
Intimé : 20 septembre 2002

Motion day : **November 4, 2002**
Service : October 11, 2002
Filing : October 18, 2002
Respondent : October 25, 2002

Audience du : **4 novembre 2002**
Signification : 11 octobre 2002
Dépôt : 18 octobre 2002
Intimé : 25 octobre 2002

Motion day : **December 2, 2002**
Service : November 8, 2002
Filing : November 15, 2002
Respondent : November 22, 2002

Audience du : **2 décembre 2002**
Signification : 8 novembre 2002
Dépôt : 15 novembre 2002
Intimé : 22 novembre 2002

Note: These motion dates apply only where the notice of appeal will be filed before June 28, 2002

Note: Ces dates de requête s'appliquent seulement où l'avis d'appel sera déposé avant le 28 juin 2002.

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 come 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 entrent 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.

- 2002 -

OCTOBER - OCTOBRE						
S D	M L	T M	W M	T J	F V	S S
	M 30	1	2	3	4	5
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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
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24	25	26	27	28	29	30

DECEMBER - DECEMBRE						
S D	M L	T M	W M	T J	F V	S S
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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
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12	M 13	14	15	16	17	18
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26	27	28	29	30	31	

FEBRUARY - FÉVRIER						
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MARCH - MARS						
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APRIL - AVRIL						
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20	H 21	22	23	24	25	26
27	28	29	30			

MAY - MAI						
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JUNE - JUIN						
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22	23	24	25	26	27	28
29	30					

Sittings of the court: 18 sitting weeks / semaines séances de la cour

Séances de la cour:

Motions: 80 sitting days / journées séances de la cour

Requêtes:



9 motion and conference days / journées requêtes, conférences

Holidays:



Jours fériés:

1 holidays during sitting days / jours fériés durant les sessions