

**SUPREME COURT
OF CANADA**



**COUR SUPRÊME
DU CANADA**

**BULLETIN OF
PROCEEDINGS**

**BULLETIN DES
PROCÉDURES**

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FILING DATE 14.5.2002

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FILING DATE 15.5.2002

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FILING DATE 16.5.2002

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Administratrix of the Estate of Kent MacKinnon,
and Litigation Guardian of Katelyn MacKinnon
and Jackson MacKinnon, on behalf of the Estate
and Dependants of Kent MacKinnon, et al.
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Pigot

FILING DATE 17.5.2002

Air Canada

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A.G. of Canada

FILING DATE 21.5.2002

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Etzer Myrthil (Qué.)

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DATE DE PRODUCTION 21.5.2002

G.S.

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Sack Goldblatt Mitchell

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Karen Shai
A.G. for Ontario

FILING DATE 23.5.2002

A.H.

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FILING DATE 3.5.2002

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Her Majesty the Queen (Ont.)

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FILING DATE 14.5.2002

F.L.

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FILING DATE 15.5.2002

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Léo-Paul Roy

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Barreau du Québec, et autre (Qué.)**

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DATE DE PRODUCTION 24.5.2002

Alexander Henri Legault

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FILING DATE 27.5.2002

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v. (29222)

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A.G. of Manitoba

FILING DATE 27.5.2002

Garaga Inc.

Michel C. Chabot
Ogilvy Renault

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APPLICATIONS FOR LEAVE TO APPEAL
FILED

DEMANDES D'AUTORISATION D'APPEL
DÉPOSÉES

Ernst & Young Inc., et autres (Qué.)
Gordon Levine
Kugler Kandestin

DATE DE PRODUCTION 27.5.2002

JUNE 3, 2002 / LE 3 JUIN 2002

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

George Sutherland

v. (29028)

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

NATURE OF THE CASE

Canadian Charter - Criminal - Criminal Law (Non Charter) - Whether Court of Appeal erred with respect to decision not to order disclosure - Whether Court of Appeal erred with respect to evidence of the complainant's emotional state - Whether Court of Appeal erred with respect to applicant's heritage in determining whether an indeterminate sentence was appropriate - Whether Court of Appeal erred in holding that it would not consider the constitutionality of s. 761 of the Criminal Code - Whether Court of Appeal erred in failing to consider fresh evidence.

PROCEDURAL HISTORY

July 28, 1997 Ontario Court of Justice (Loukidelis J.)	Application for production of records dismissed
July 30, 1997 Ontario Court of Justice (Loukidelis J.)	Convictions for assault, sexual assault, uttering a death threat, extortion; Acquittal on count of wilful attempt to obstruct justice by threats
May 19, 1998 Ontario Court of Justice (Loukidelis J.)	Declared dangerous offender, indeterminate sentence imposed
May 29, 2001 Court of Appeal for Ontario (Finlayson, Labrosse and Laskin JJ.A.)	Appeal from conviction and sentence dismissed
January 15, 2002 Supreme Court of Canada	Applications for extension of time to apply for leave to appeal and for leave to appeal filed

Edward J. Nordquist and Domo Gasoline Corporation Ltd.

v. (28898)

**Patricia Gurniak, Valerie Michelle Ross and Shannon Lee Ross,
by their guardian ad Litem, Patricia Gurniak (B.C.)**

NATURE OF THE CASE

Commercial Law - Insurance - Automobile accident insurance - Spouse and dependent children of victim killed in automobile accident in British Columbia commence claim under Family Compensation Act - Whether no-fault benefits paid in Quebec deductible from any award - Proper approach to determining whether no-fault accident benefits paid under a legislative scheme of one province should be deducted from a subsequent damage award recovered in another province so as to avoid double recovery - Characterization of benefits paid under a complete or pure no-fault scheme - Whether there is a need to pronounce definitively on answer by the British Columbia courts to interpretive questions relating to Quebec's no-fault scheme.

PROCEDURAL HISTORY

May 12, 1997 Supreme Court of British Columbia (Bauman J.)	SAAQ benefits to Respondent Patricia Gurniak declared benefits under the Insurance (Motor Vehicle) Act; SAAQ benefits to Valerie Michelle and Shannon Lee Ross declared not benefits under the Insurance (Motor Vehicle) Act
June 22, 1999 Supreme Court of British Columbia (Bauman J.)	Application to reduce liability to Patricia Gurniak by amount of SAAQ benefits dismissed
September 7, 2001 Court of Appeal for British Columbia (Newbury, Braidwood and Hall JJ.A.)	Appeals dismissed
November 5, 2001 Supreme Court of Canada	Application for leave to appeal filed

Olympia Interiors Ltd., et al

v. (29024)

Her Majesty the Queen, et al (F.C.A)

NATURE OF THE CASE

Canadian Charter - Civil - Civil Procedure - Procedural Law - Application for declaration dismissed because commenced after statutory time limit - Whether public authorities should exercise a statutory discretion absolutely - The statutory correctness of Certificates - Sections 1, 7, 9, 12, 15 and 32(1) of the *Charter* and 2(a) of the *Canadian Bill of Rights* - Whether power to detain is lawful - Whether damages of irreparable harm were foreseeable - Whether Her Majesty The Queen may rely on statutory defence.

PROCEDURAL HISTORY

October 27, 2000
Federal Court of Canada, Trial Division
(Blais J.)

Application for a declaration that a certificate was without
force and effect dismissed

November 22, 2001
Federal Court of Appeal
(Stone, Evans and Malone JJ.A.)

Appeal dismissed

January 21, 2002
Supreme Court of Canada

Application for leave to appeal filed

Olympia Interiors Ltd. and Mary David

v. (29023)

Her Majesty the Queen and Attorney General of Canada (F.C.A)

NATURE OF THE CASE

Canadian Charter - Civil - Civil Rights - Procedural Law - Application for extension of time to appeal denied - Whether public authorities should exercise a statutory discretion absolutely - The statutory correctness of Certificates - Sections 1, 7, 9, 12, 15 and 32(1) of the Charter and 2(a) of the Canadian Bill of Rights - Whether power to detain is lawful - Whether damages of irreparable harm were foreseeable - Whether Her Majesty The Queen may rely on statutory defence.

PROCEDURAL HISTORY

May 1, 1998
Federal Court of Canada, Trial Division
(MacKay J.)

Applicants' action dismissed

April 25, 2001
Federal Court of Canada, Trial Division
(Tremblay-Lamer J.)

Applicant's motion for extension of time
dismissed

November 22, 2001
Federal Court of Appeal
(Stone, Evans and Malone JJ.A.)

Appeal dismissed

January 21, 2002
Supreme Court of Canada

Application for leave to appeal filed

Rochelle Leah Moss and Danny Moss

v. (28973)

Attorney General of Canada (F.C.)

NATURE OF THE CASE

Income tax - Assessments - Evidence - The determination of evidence presented at trial by expert witness and qualified witnesses ought not to be ignored by the court and is a matter of public importance - Whether the lower courts erred in failing to find that certain residences were principal residences - Whether the lower courts erred in rejecting witnesses' evidence - Whether there are issues of public importance raised.

PROCEDURAL HISTORY

October 8, 1999 Tax Court of Canada (Sarchuk J.T.C.C.)	Applicant Danny Moss's appeals from tax assessments for tax years 1991, 1992 and 1994 allowed in part: assessments referred back to Minister of National Revenue for reconsideration and reassessment
December 15, 1999 Tax Court of Canada (Sarchuk J.T.C.C.)	Applicant Rochelle Moss's appeals from tax assessment for tax years 1987 to 1994 allowed in part: assessments referred back to Minister of National Revenue for reconsideration and reassessment
November 21, 2001 Federal Court of Appeal (Strayer, Linden and Sharlow JJ.A.)	Applicants' appeals and applications for judicial review dismissed with costs
December 13, 2001 Supreme Court of Canada	Application for leave to appeal filed
February 19, 2002 Supreme Court of Canada	Application for leave to appeal and motion for an extension of time filed

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

Richard Poirier

c. (29007)

Sa Majesté la Reine (Crim.) (Qué.)

NATURE DE LA CAUSE

Charte canadienne des droits et libertés - Droit criminel - La Cour d'appel a-t-elle erré en jugeant qu'il n'y a pas eu violation des art. 7, 8, 9, 10, 11 et 24 de la *Charte canadienne des droits et libertés* - La Cour d'appel a-t-elle erré dans son interprétation des art. 16, 367, 368 et 380 du *Code criminel*, L.R.C. 1985, ch. - La Cour d'appel a-t-elle erré dans l'évaluation des principes de la détermination de la peine en confirmant une peine trop sévère alors que les critères de l'art. 742.1 du *Code criminel* étaient réunis - La Cour d'appel a-t-elle erré en jugeant qu'il n'y a pas eu violation du droit du demandeur à la divulgation de la preuve - La Cour d'appel a-t-elle erré en jugeant qu'il n'y a pas eu violation du droit

d'être jugé dans un délai déraisonnable - Le dépôt tardif d'un acte d'accusation modifié devait-il mener à un ajournement ou un arrêt des procédures?

HISTORIQUE PROCÉDURAL

Le 26 juin 1998 Cour du Québec (Dufour j.c.q.)	Demandeur déclaré coupable d'avoir fait des faux documents, de s'être servi de documents contrefaits, de fraude et de complot contrairement aux art. 367, 368(1)a), 380(1)a), 465(1) du <i>Code criminel</i>
Le 22 mars 1999 Cour du Québec (Dufour j.c.q.)	Demandeur condamné à 3 ans d'emprisonnement
Le 16 novembre 2001 Cour d'appel du Québec (Beauregard, Baudouin et Rochette jj.c.a.)	Appels contre les déclarations de culpabilité et la sentence rejetés
Le 14 janvier 2002 Cour suprême du Canada	Demande d'autorisation d'appel déposée

Andrew Scott Haydon

v. (29018)

Her Majesty the Queen Attorney General of Canada (F.C.A)

NATURE OF THE CASE

Taxation - Assessment - Estoppel - In assessing applicant for 1997 taxation year Minister of National Revenue disallowed deduction for undeducted RRSP premiums paid in 1993 taxation year - Whether the courts below erred in holding that there is no liability on the part of the Crown for negligently given advice where the Crown relies upon the letter of the law to defend its decision?

PROCEDURAL HISTORY

February 24, 2000 Tax Court of Canada (O'Connor J.)	Applicant's appeal from the reassessment made under the <i>Income Tax Act</i> for the 1997 taxation year dismissed.
November 13, 2001 Federal Court of Appeal (Stone, Décary and Noël JJ.A.)	Application dismissed.
January 14, 2002 Supreme Court of Canada	Application for leave to appeal filed.

**Wayne Russel Norris, Sylvia Crowell-Norris, Susan Catherine McNab,
Shannon Elizabeth McNab, Eileen Clare Norris and Catherine Alice Daisy Giffin**

v. (29054)

Constable Mark Gatien and The City of Nepean (Ont.)

NATURE OF THE CASE

Torts - Police officers - Investigation - Duty of care - Is a private law duty of care owed by a police officer to the victims of a crime to properly investigate the crime?

PROCEDURAL HISTORY

April 7, 2000 Ontario Superior Court of Justice (Cunningham J.)	Respondents Mark Gatien and City of Nepean's motion striking amended statement of claim, granted
November 15, 2001 Court of Appeal for Ontario (Osborne A.C.J.O., Austin and Laskin JJ.A.)	Applicants' appeal dismissed
February 4, 2002 Supreme Court of Canada	Motion to extend time and application for leave to appeal filed

**Maria Sokolowska, Elwira Sokolowska and Maria Sokolowska,
personal representative of the Estate of Henry Sokolowska**

v. (28944)

Notre Dame Cemetery (Ont.)

NATURE OF THE CASE

Torts - Damages - Applicants claim damages against respondent for fraud and deception concerning burial of husband/father - Whether the lower courts erred in their decision to dismiss the action of the applicants and erred in the award of costs?

PROCEDURAL HISTORY

July 18, 2000 Ontario Superior Court of Justice (Cunningham J.)	Applicants' action for damages dismissed.
May 28, 2001 Ontario Superior Court of Justice (Southey, Matlow and Kozak JJ)	Appeal dismissed.
August 17, 2001 Ontario Superior Court of Justice	Motion to stay enforcement of judgment dated May 28, 2001 and judgment dated July 18, 2000 dismissed.

(Power J.)

Motion for leave to appeal dismissed.

October 1, 2001
Court of Appeal for Ontario
(Morden, Laskin and Rosenberg JJ.A.)

Application for leave to appeal filed.

November 29, 2001
Supreme Court of Canada

University Health Network (formerly Toronto General Hospital, Toronto Western Hospital and Ontario Cancer Institute, c.o.b. as Princess Margaret Hospital)

v. (29027)

Her Majesty in right of Ontario (by her representative, the Minister of Finance) (Ont.)

NATURE OF THE CASE

Taxation - Retail sales tax - Tax exemption - Public hospitals - Statutes - Interpretation - Enabling statutes of three individual hospitals each containing express tax exemption - Whether tax exemptions continued in amalgamated entities by virtue of "continuation of rights" clauses in amalgamating statutes.

PROCEDURAL HISTORY

January 17, 2001
Ontario Superior Court of Justice
(Rivard J.)

Application for declaration that the 1986 and the 1997 amalgamation did not nullify the tax exempt status of the Toronto General Hospital, the Toronto Western Hospital and the Ontario Cancer Institute granted

November 20, 2001
Court of Appeal for Ontario
(Laskin, Feldman and Simmons JJ.A.)

Appeal allowed; application dismissed

January 18, 2002
Supreme Court of Canada

Application for leave to appeal filed

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

B.H., By her next friend, A.H., A.H.

v. (29174)

The Director of Child Welfare for the Province of Alberta (Alta.)

AND BETWEEN:

B.H., By her next friend, A.H.

v.

**Her Majesty the Queen in Right of Alberta (as represented by the Director of Child Welfare), Alberta
Children's Hospital, Attorney General for Alberta, L.H. (Alta.)**

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms – Civil – Child welfare – Child in need of protection – Freedom of religion – Right to security of the person – Right to equality – Age discrimination – “Mature minor” – 16 year old Jehovah’s Witness diagnosed with acute myeloid leukemia refusing blood transfusions and administration of blood products because of religious beliefs – Treatment considered essential by medical experts – Director of Child Welfare obtaining apprehension and treatment orders – Ongoing administering of unwanted treatment using sedation and restraints – Capacity at time of orders determined to be that of mature minor which was later lost because of undue influence – Whether applicant a “mature minor” – If so, whether “mature minor” has right to refuse treatment under Alberta Child Welfare legislation or whether legislation a “complete code” – Whether granting apprehension and treatment orders and ongoing imposed treatment violates mature minor’s *Charter* right to security of the person, freedom of religion or right to equality – If so, whether imposed medical treatment was reasonable limitation under s. 1 of the *Charter* – Alberta *Child Welfare Act*, R.S.A. 2000, c. C-12, ss. 1(1)(d), 1(2), 2, 22(2), 22(5) – *Canadian Charter of Rights and Freedoms*, ss. 1, 2(a), 7, 15(1).

PROCEDURAL HISTORY

February 18, 2002 Alberta Provincial Court (Jordan, Prov. Ct. J.)	Application of respondent, Director of Child Welfare, for apprehension and treatment orders, granted
February 20, 2002 Alberta Court of Queen’s Bench (Rooke J.) March 13, 2002 (Supplementary reasons of Rooke J.)	Applicants’ application for stay of proceedings dismissed
April 10, 2002 Alberta Court of Queen’s Bench (Kent J.)	Applicants’ appeal from judgment of Prov. Ct., and applications to adduce new evidence and for <i>habeas corpus</i> , dismissed
April 26, 2002 Alberta Court of Appeal	Appeal dismissed

(Côté, McFadyen and Costigan JJ.A.)

May 6, 2002
Supreme Court of Canada

Application for leave to appeal and motions to expedite application for leave to appeal and hearing of appeal, if leave granted, and for stay of execution, filed

May 21, 2002
Supreme Court of Canada
Major J.S.C.C.

Motion to expedite application for leave to appeal and to abbreviate time for filing responses and reply, granted; motion for stay of execution referred to panel seized of application for leave to appeal

May 23, 2002
Supreme Court of Canada

Motion for interim interim stay of execution, filed

May 24, 2002
Supreme Court of Canada
(Binnie J.)

Motion for interim interim stay of execution, dismissed

Chateau LaFleur Development Corporation and Can-Euro Investments Limited

v. (29020)

Maritime Telegraph and Telephone Company Limited and Maritime Tel & Tel Limited (N.S.)

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

Constantine Bassis

v. (28986)

Century 21 Parkland Ltd. (Ont.)

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

Noël Ayangma

v. (29002)

Government of Prince Edward Island (P.E.I.)

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,	Applicant's appeal dismissed; cross-appeal allowed, action dismissed

Appeal Division
(Mitchell C.J.P.E.I., McQuaid and Carruthers
J.J.A.)

November 19, 2001
Supreme Court of Canada

Application for leave to appeal filed

MOTION FOR RECONSIDERATION / DEMANDE DE RÉEXAMEN

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

Noël Ayangma v. NAV Canada, et al. (P.E.I.) (28426)

JUNE 6, 2002 / LE 6 JUIN 2002

28811 Peter Randy Reifel - v. - John Halagan (B.C.) (Civil)

CORAM: The Chief Justice, Iacobucci and Arbour JJ.

The application for leave to appeal is dismissed with costs.

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

NATURE OF THE CASE

Commercial law - Evidence - Escrow shares - Resulting trust - What are the substantive requirements to be met in order to rebut the presumption of resulting trust - Where no gift by the transferor can be established, whether the recipient of property can rebut the presumption of resulting trust by showing that the recipient provided "value" outside the context of a contract to transfer beneficial title to the recipient.

PROCEDURAL HISTORY

October 1, 1998 Supreme Court of British Columbia (Satanove J.)	Respondent declared beneficial owner of 375,000 shares of Francisco Gold Corp.; Applicant's counterclaim dismissed
June 26, 2001 Court of Appeal for British Columbia (Rowles, Prowse and Mackenzie JJ.A.)	Appeal dismissed
September 24, 2001 Supreme Court of Canada	Application for leave to appeal filed

28972 AstraZeneca AB - v. - Novopharm Limited and Registrar of Trade-Marks - and between - Ciba-Geigy Canada Ltd. - v. - Apotex Inc. and Registrar of Trade-Marks - and between - Ciba-Geigy Canada Ltd. - v. - Novopharm Limited and Registrar of Trade-Marks (FC) (Civil)

CORAM: The Chief Justice, Iacobucci and Arbour JJ.

The application for leave to appeal is dismissed with costs to the respondents *Apotex Inc.* and *Novopharm Limited*.

La demande d'autorisation d'appel est rejetée avec dépens en faveur des intimées *Apotex Inc.* et *Novopharm Limited*.

NATURE OF THE CASE

Property law - Trade-marks - Pharmaceutical preparations - Application for trade-mark in colour applied to surface of tablet or capsule - Whether the lower courts correctly applied the standard of review - Whether the lower courts applied the correct test for distinctiveness.

PROCEDURAL HISTORY

September 17, 1997 Trade Marks Opposition Board (M. Herzig)	Oppositions to Applicant Ciba-Geigy Canada Limited's application to register trade-marks dismissed
December 9, 1997 Trade Marks Opposition Board (M. Herzig)	Opposition to Applicant Astra Aktiebolag's application to register trade-mark dismissed
April 14, 2000 Federal Court of Canada, Trial Division (Rouleau J.)	In three separate decisions, Respondents' appeals allowed
October 18, 2001 Federal Court of Appeal (Desjardins, Sexton and Sharlow JJ.A.)	Applicants' appeals dismissed
December 17, 2001 Supreme Court of Canada	Application for leave to appeal filed

29135 **Ontario Public Service Employees Union - v. - Attorney General for Ontario** (Ont.) (Civil)

CORAM: The Chief Justice, Iacobucci and Arbour JJ.

The application for leave to appeal is dismissed with costs.

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

NATURE OF THE CASE

Procedural law - Courts - Contempt of court - Labour law - Labour relations - Lawful strike - Picketing of courthouses during lawful strike - *Ex parte* injunction restraining Applicant's members from gathering, congregating or picketing within precincts of the courts granted on court's own motion - Whether the Court of Appeal decision unjustifiably limits the freedoms of expression, assembly and association of the Applicant's members contrary to subsection 2(b), (c) and (d) of the *Charter* - Whether the lower courts applied the wrong test - Whether the terms of the order are broader than necessary to safeguard the legitimate interest in preserving access to justice - Whether a "signalling effect" of picketing can be presumed - What evidence is necessary to raise a presumption of signalling - Whether the decision of the Court of Appeal and the decisions of this Court conflict on the intent required for the common law offence of criminal contempt.

PROCEDURAL HISTORY

March 13, 2002 Ontario Superior Court of Justice (Sills J.)	<i>Ex parte</i> injunction restraining Applicant's members from gathering, congregating or picketing within precincts of the courts granted
March 14, 2002 Ontario Superior Court of Justice (Sills J.)	Applicant's motion to vary dismissed
March 22, 2002	Appeal granted in part

Court of Appeal for Ontario
(MacPherson, Sharpe and Simmons JJ.A.)

April 4, 2002
Supreme Court of Canada

Application for leave to appeal filed

April 19, 2002
Supreme Court of Canada
(Arbour J.)

Motion to expedite application for leave dismissed

April 29, 2002
Supreme Court of Canada
(Arbour J.)

Respondent's motion to strike out affidavits of Eugene Roy Swimmer, dated April 4, 2002, and Pauline Tapping, dated April 3, 2002, dismissed.

28.5.2002

Before / Devant: ARBOUR J.

Further order on motions for leave to intervene

Autre ordonnance sur des requêtes en autorisation d'intervention

BY/PAR: Attorney General of Ontario
Procureur général du Québec
Criminal Lawyers' Association
(Ontario)

IN/DANS: Chee K. Ling

v. (28315)

Her Majesty the Queen (B.C.)

and

Warren James Jarvis

v. (28378)

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

GRANTED / ACCORDÉES

UPON APPLICATION by the Attorney General for Ontario, the Attorney General of Québec and the Criminal Lawyers' Association (Ontario) for leave to intervene in the above appeals and pursuant to the orders of September 18, 2001, October 25, 2001, March 14, 2002 and April 25, 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.

À LA SUITE DE DEMANDES du procureur général de l'Ontario, du procureur général du Québec et de la Criminal Lawyers' Association (Ontario) visant à obtenir l'autorisation d'intervenir dans les appels susmentionnés et suite aux ordonnances du 18 septembre 2001, 25 octobre 2001, 14 mars 2002 et 25 avril 2002;

IL EST EN OUTRE ORDONNÉ que la plaidoirie des intervenants soit limitée en tout à quinze (15) minutes chacun lors de l'audition des appels.

28.5.2002

Before / Devant: THE REGISTRAR

Motion to extend the time in which to serve and file the factum of the intervener Canadian Labour Congress

Requête en prorogation du délai imparti pour signifier et déposer le mémoire de l'intervenant le Canadian Labour Congress

Donald Martin

v. (28372)

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

GRANTED / ACCORDÉE Time extended to May 24, 2002.

28.5.2002

Before / Devant: THE REGISTRAR

Motion to extend the time in which to serve and file the factum of the intervener Canadian Labour Congress

Requête en prorogation du délai imparti pour signifier et déposer le mémoire de l'intervenant le Canadian Labour Congress

Ruth A. Laseur

v. (28370)

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

GRANTED / ACCORDÉE Time extended to May 24, 2002.

29.5.2002

Before / Devant: LEBEL 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: Conseil scolaire acadien provincial

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

v. (28807)

Attorney General of Nova Scotia
(N.S.)

GRANTED / ACCORDÉE

UPON APPLICATION by the Conseil scolaire acadien provincial 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 Conseil scolaire acadien provincial 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 appellants and respondent any additional disbursements occasioned to the appellants and respondent by the intervention.

29.5.2002

Before / Devant: THE REGISTRAR

Motion for substitutional service

Requête en substitution de signification

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

v. (29128)

Her Majesty the Queen (B.C.)

GRANTED / ACCORDÉE The motion by the respondent for substitutional service upon the applicant of the respondent's response is granted.

30.5.2002

Before / Devant: MAJOR J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Attorney General of Alberta

IN/DANS: Her Majesty the Queen

v. (28946)

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

GRANTED / ACCORDÉE

UPON APPLICATION by the Attorney General of Alberta for leave to intervene in the above appeal;

AND HAVING READ the material filed ;

IT IS HEREBY ORDERED THAT:

The motion for leave to intervene of the applicant 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.

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

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

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

30.5.2002

Before / Devant: MAJOR J.

Motions for leave to intervene

Requêtes en autorisation d'intervention

BY/PAR: Attorney General of Alberta
Attorney General for the Province of
Ontario

IN/DANS: Her Majesty the Queen

v. (28945)

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

GRANTED / ACCORDÉES

UPON APPLICATION by the Attorney General of Alberta and the Attorney General for the Province 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 the Province 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 appellant and respondent any additional disbursements occasioned to the appellant and respondent by the interventions.

31.5.2002

Before / Devant: THE REGISTRAR

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

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

R.R.

v. (28933)

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

GRANTED / ACCORDÉE Time extended to August 9, 2002.

31.5.2002

Before / Devant: THE REGISTRAR

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

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

Chee K. Ling

v. (28315)

Her Majesty the Queen (B.C.)

GRANTED / ACCORDÉE Time extended to May 22, 2002.

31.5.2002

Before / Devant: THE REGISTRAR

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

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

Warren James Jarvis

v. (28378)

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

GRANTED / ACCORDÉE Time extended to May 22, 2002.

31.5.2002

Before / Devant: THE REGISTRAR

Miscellaneous motion

Autre requête

David Scott Hall

v. (28223)

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

GRANTED / ACCORDÉE The motion to serve and file the respondent's supplementary book of authorities on May 14, 2002 is granted.

31.5.2002

Before / Devant: THE REGISTRAR

Motion to file a lengthy factum

Requête visant le dépôt d'un long mémoire

Hugues Duguay

c. (28903)

Her Majesty the Queen (Crim.)(Qué.)

GRANTED / ACCORDÉE La requête visant le dépôt d'un mémoire plus de quarante pages mais ne dépassant pas soixante pages est accordée.

3.6.2002

Before / Devant: LEBEL J.

Miscellaneous motion

Autre requête

Glenda Doucet-Boudreau, et al.

v. (28807)

Attorney General of Nova Scotia (N.S.)

DISMISSED WITHOUT COSTS / REJETÉE SANS DÉPENS

La requérante, la Commission Nationale des Parents Francophones soumet une requête en réexamen de la décision rejetant sa demande d'intervention. Les motifs et l'opportunité de cette demande d'intervention ont été examinés à l'occasion de sa présentation à la Cour. La demande de réexamen n'établit aucun motif exceptionnel justifiant la révision de la décision rendue au sujet de l'intervention proposée, dans la mesure même où le par. 51(12) des règles de la Cour suprême du Canada l'autorise. La requête en réexamen est rejetée sans frais.

**NOTICES OF APPEAL FILED SINCE
LAST ISSUE**

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

24.5.2002

**In the matter of Earth Future Lottery: Attorney
General for the Province of Prince Edward Island,
et al. (P.E.I.) (29213)**

(Reference)

16.5.2002

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.)**

17.5.2002

Canadian Union of Public Employees, Local 79

v. (28840)

City of Toronto, et al. (Ont.)

17.5.2002

Ontario Public Service Employees Union

v. (28849)

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

21.5.2002

Her Majesty the Queen

v. (29083)

Steven Keith Mitchell (B.C.)

21.5.2002

Her Majesty the Queen

v. (29140)

Michael Edward Kelly (B.C.)

DEADLINES: MOTIONS

DÉLAIS: REQUÊTES

BEFORE THE COURT:

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

Motion day : 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

DÉLAIS: APPELS

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

Appellant's record; appellant's factum; and appellant's book(s) of authorities must be filed within four months of the filing of the notice of appeal.

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

Intervener's factum and intervener's book(s) of authorities, if any, must be filed within four weeks of the date of service of the respondent's factum, unless otherwise ordered.

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

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

Please consult the Notice to the Profession of April 2002 for further information.

The Registrar shall inscribe the appeal for hearing upon the filing of the respondent's factum or after the expiry of the time for filing the respondent's factum.

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

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

Le dossier de l'intimé (le cas échéant), son mémoire et son recueil de jurisprudence et de doctrine doivent être déposés dans les huit semaines suivant la signification du mémoire de l'appellant.

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.

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

Veillez consulter l'avis aux avocats du mois d'avril 2002 pour plus de renseignements.

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

SUPREME COURT OF CANADA SCHEDULE
CALENDRIER DE LA COUR SUPREME

- 2001 -

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

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

DECEMBER - DECEMBRE						
S D	M L	T M	W M	T J	F V	S S
						1
2	M 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					

- 2002 -

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

FEBRUARY - FÉVRIER						
S D	M L	T M	W M	T J	F V	S S
					1	2
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10	M 11	12	13	14	15	16
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24	25	26	27	28		

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

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

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

Sittings of the court:
Séances de la cour:

Motions:
Requêtes:

Holidays:
Jours fériés:



18 sitting weeks / semaines séances de la cour

79 sitting days / journées séances de la cour

9 motion and conference days / journées requêtes, conférences

2 holidays during sitting days / jours fériés durant les sessions