

**SUPREME COURT  
OF CANADA**



**COUR SUPRÊME  
DU CANADA**

**BULLETIN OF  
PROCEEDINGS**

**BULLETIN DES  
PROCÉDURES**

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**APPLICATIONS FOR LEAVE TO  
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**DEMANDES D'AUTORISATION  
D'APPEL DÉPOSÉES**

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**Assessor of Area # 11 - Richmond / Delta**

John E.D. Savage  
Crease, Harman & Company

v. (29910)

**Annacis Auto Terminals (1997) Ltd., et al. (B.C.)**

Brent A. Meckling  
Davis & Company

FILING DATE: 26.8.2003

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**Wesley Gordon Davidson**

Wesley Gordon Davidson

v. (29658)

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

Arnold Schlayer  
A.G. of Alberta

FILING DATE: 14.8.2003

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**E.B.**

John R. Shewfelt  
Miller, Thomson

v. (29890)

**Order of the Oblates of Mary Immaculate in the  
Province of British Columbia (B.C.)**

Mobina S. Jaffer, Q.C.  
Dohm, Jaffer & Jeraj

FILING DATE: 14.8.2003

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

**Robert Héroux**

**c. (29800)**

**Sa Majesté la Reine (Crim.) (Qué.)**

**NATURE DE LA CAUSE**

Droit criminel - Preuve - Dénonciation - Accusation - Motifs raisonnables - *Code criminel*, Art. 788, 789 - La Cour d'appel a-t-elle commis une erreur de droit en entérinant le jugement du premier juge rendu dans trois dossiers connexes pour les mêmes motifs, soit que le fait qu'une dénonciation émane du bureau des substituts du procureur général pouvait constituer « les motifs raisonnables » auxquels réfère la formule 2 du *Code criminel* ? - Les motifs raisonnables du dénonciateur doivent-ils reposer sur la connaissance des faits à l'origine de l'accusation, soit ceux qui seront éventuellement mis en preuve devant le tribunal à l'étape du procès ? - Si le dénonciateur n'en a pas de connaissance personnelle ou par personne interposée, au moment où il est assermenté, la dénonciation doit-elle être considérée comme nulle *ab initio* ? - Subsidiairement, la simple croyance du dénonciateur en l'intervention d'un procureur de la couronne peut-elle constituer « les motifs raisonnables », aucune preuve n'ayant été faite d'une telle intervention ?

**HISTORIQUE DES PROCÉDURES**

Le 28 mai 2001  
Cour du Québec  
(le juge Bergeron)

Demandeur déclaré coupable de conduite d'un véhicule automobile avec un taux d'alcoolémie supérieur à la limite permise contrairement à l'art. 253 b) du *Code criminel*

Le 7 février 2002  
Cour supérieure du Québec  
(le juge Grenier)

Appel rejeté

Le 7 avril 2003  
Cour d'appel du Québec  
(les juges Brossard, Dussault et Forget)

Appel rejeté

Le 5 juin 2003  
Cour suprême du Canada

Demande d'autorisation d'appel déposée

**Pierre Boucher**

**c. (29801)**

**Sa Majesté la Reine (Crim.) (Qué.)**

**NATURE DE LA CAUSE**

Droit criminel - Preuve - Dénonciation - Accusation - Motifs raisonnables - *Code criminel*, Art. 788, 789 - La Cour d'appel a-t-elle commis une erreur de droit en entérinant le jugement du premier juge rendu dans trois dossiers connexes pour les mêmes motifs, soit que le fait qu'une dénonciation émane du bureau des substituts du procureur général pouvait constituer « les motifs raisonnables » auxquels réfère la formule 2 du *Code criminel* ? - Les motifs raisonnables du dénonciateur doivent-ils reposer sur la connaissance des faits à l'origine de l'accusation, soit ceux qui seront éventuellement mis en preuve devant le tribunal à l'étape du procès ? - Si le dénonciateur n'en a pas de connaissance personnelle ou par personne interposée, au moment où il est assermenté, la dénonciation doit-elle être considérée comme nulle *ab initio* ? - Subsidièrement, la simple croyance du dénonciateur en l'intervention d'un procureur de la couronne peut-elle constituer « les motifs raisonnables », aucune preuve n'ayant été faite d'une telle intervention ?

**HISTORIQUE DES PROCÉDURES**

Le 1 mai 2001 Cour du Québec (la juge Slater)	Requête du demandeur en nullité de la dénonciation rejetée
Le 5 juin 2001 Cour du Québec (la juge Slater)	Demandeur déclaré coupable de conduite d'un véhicule automobile avec un taux d'alcoolémie supérieur à la limite permise contrairement à l'art. 253 <i>b</i> ) du <i>Code criminel</i>
Le 7 février 2002 Cour supérieure du Québec (le juge Grenier)	Appel rejeté
Le 7 avril 2003 Cour d'appel du Québec (les juges Brossard, Dussault et Forget)	Appel rejeté
Le 5 juin 2003 Cour suprême du Canada	Demande d'autorisation d'appel déposée

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**Ginette Laganière**

**c. (29802)**

**Sa Majesté la Reine (Crim.) (Qué.)**

**NATURE DE LA CAUSE**

Droit criminel - Preuve - Dénonciation - Accusation - Motifs raisonnables - *Code criminel*, Art. 788, 789 - La Cour d'appel a-t-elle commis une erreur de droit en entérinant le jugement du premier juge rendu dans trois dossiers connexes pour les mêmes motifs, soit que le fait qu'une dénonciation émane du bureau des substituts du procureur général pouvait constituer « les motifs raisonnables » auxquels réfère la formule 2 du *Code criminel* ? - Les motifs raisonnables du dénonciateur

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doivent-ils reposer sur la connaissance des faits à l'origine de l'accusation, soit ceux qui seront éventuellement mis en preuve devant le tribunal à l'étape du procès ? - Si le dénonciateur n'en a pas de connaissance personnelle ou par personne interposée, au moment où il est assermenté, la dénonciation doit-elle être considérée comme nulle *ab initio* ? - Subsidiairement, la simple croyance du dénonciateur en l'intervention d'un procureur de la couronne peut-elle constituer « les motifs raisonnables », aucune preuve n'ayant été faite d'une telle intervention ?

### **HISTORIQUE DES PROCÉDURES**

Le 22 mai 2001 Cour du Québec (le juge Pinard)	Demanderesse déclarée coupable de conduite d'un véhicule automobile avec un taux d'alcoolémie supérieur à la limite permise contrairement à l'art. 253 b) du <i>Code criminel</i>
Le 7 février 2002 Cour supérieure du Québec (le juge Grenier)	Appel rejeté
Le 7 avril 2003 Cour d'appel du Québec (les juges Brossard, Dussault et Forget)	Appel rejeté
Le 5 juin 2003 Cour suprême du Canada	Demande d'autorisation d'appel déposée

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**Luciano Rossi, Gerlando Curti, Louis Carrier, Eliseo Guerrera, Investissement Luciano Rossi Inc., 9042-4961 Québec Inc., Investissement Louis Carrier Inc. et Investissement Eliseo Guerrera Inc.**

**c. (29810)**

**Claude Camirand et Placements Claude Camirand Inc. (Qué.)**

### **NATURE DE LA CAUSE**

Droit commercial - Droit des compagnies - Recours pour oppression - Procédure - Procédure civile - Tribunaux - Compétence - La Cour d'appel a-t-elle erré en décidant que seule la Cour supérieure était compétente pour se saisir d'un litige apparemment fondé sur l'art. 241 de la *Loi canadienne sur les sociétés par actions*, L.R.C. (1985), ch. C-44, et concernant la valeur de rachat des actions d'un actionnaire à l'exclusion d'un arbitre à être nommé aux termes d'une clause compromissoire parfaite contenue dans une convention entre actionnaires prévoyant elle-même un mécanisme de détermination de la valeur de rachat des actions?

### **HISTORIQUE DES PROCÉDURES**

Le 29 août 2000 Cour supérieure du Québec (Le juge Crépeau)	Requête des intimés pour renvoi à l'arbitrage accueillie
Le 7 avril 2003 Cour d'appel du Québec (Les juges Fish, Rousseau-Houle et Chamberland jj.c.a.)	Appel accueilli, jugement de première instance cassé et requête rejetée

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Le 6 juin 2003  
Cour suprême du Canada

Demande d'autorisation d'appel déposée

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**Stéphane Daigneault**

**c. (29829)**

**François Pigeon, Comité de discipline de l'Association des courtiers et agents immobiliers du Québec (Qué.)**

**NATURE DE LA CAUSE**

Droit administratif - Droit du travail - Droit des professions - Droit disciplinaire - Contrôle judiciaire - Comité de discipline - En application de la méthode pragmatique et fonctionnelle, quelle est la norme de contrôle applicable pour un tribunal d'appel (ou de révision) lorsque le législateur lui accorde un pouvoir d'intervention purement discrétionnaire ? - Les règles de justice fondamentale sont-elles violées lorsqu'une preuve illégale est présentée dans le cadre des représentations sur sanction ? - Les règles de justice fondamentales sont-elles violées lorsqu'un intimé, devant un comité de discipline, est sanctionné pour des infractions auxquelles il n'a pas plaidé coupable ? - Les règles de justice fondamentales sont-elles violées lorsque les sanctions imposées par un comité de discipline sont contraires aux principes élémentaires de «sentencing» en matière de droit disciplinaire ?

**HISTORIQUE DES PROCÉDURES**

Le 19 juin 2002  
Cour du Québec  
(La juge Marengo)

Appel du demandeur en révision judiciaire d'une décision de l'intimé Comité de discipline, accueilli en partie: décision de l'intimé Comité de discipline cassée et annulée

Le 15 avril 2003  
Cour d'appel du Québec  
(Les juges Fish, Rousseau-Houle et Chamberland)

Appel de l'intimé François Pigeon, accueilli: jugement cassé et décision du Comité de discipline rétabli

Le 13 juin 2003  
Cour suprême du Canada

Demande d'autorisation d'appel déposée

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

**Cuong Manh Nguyen**

**v. (29659)**

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

**NATURE OF THE CASE**

Criminal law (non-*Charter*) - Murder - Reasonableness of verdict - Victim being shot by one of two of the occupants of a vehicle at night - Eyewitness evidence contradictory as to which occupant shot the victim - Whether the Court of Appeal erred in holding that the jury verdict convicting the Applicant of second-degree murder was reasonable within the meaning of s. 686(1)(a)(i) of the *Criminal Code* - Whether the judgment of the Court of Appeal raises a matter of public importance, namely, the real possibility that an innocent man has been convicted of murder in the absence of evidence reasonably capable of supporting the verdict.

**PROCEDURAL HISTORY**

January 31, 2001 Supreme Court of British Columbia (Thackray J.)	Applicant convicted of second-degree murder contrary to s. 235 of the <i>Criminal Code</i>
January 31, 2003 Court of Appeal of British Columbia (Lambert, Ryan and Braidwood JJ.A.)	Appeal against conviction dismissed
April 20, 2003 Supreme Court of Canada (LeBel J.)	Motion for an extension of time allowed
May 15, 2003 Supreme Court of Canada	Application for leave to appeal filed

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**Her Majesty the Queen**

**v. (29722)**

**Douglas Deschamplain (Crim.) (Ont.)**

**NATURE OF THE CASE**

Criminal Law (Non Charter) - Pre-trial procedure - Preliminary hearings - Whether it is jurisdictional error to discharge an accused at a preliminary hearing without considering the whole of the evidence.



**PROCEDURAL HISTORY**

May 31, 2001 Ontario Court of Justice (Serré J.)	Respondent discharged on counts of possession of a prohibited weapon and obstruction of justice
November 26, 2001 Ontario Superior Court of Justice (Gauthier J.)	Discharge quashed; Committal to stand trial for possession of prohibited weapon; Count of obstruction of justice remitted for reconsideration
February 25, 2003 Court of Appeal for Ontario (Morden, Laskin and Feldman JJ.A.)	Appeal allowed; discharge restored
April 24, 2003 Supreme Court of Canada	Application for leave to appeal filed

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**Hydra-Dyne Industrial Cleaning Services Ltd.**

**v. (29673)**

**KPMG Inc., Trustee in Bankruptcy (Ont.)**

**NATURE OF THE CASE**

Commercial law - Bankruptcy - Failure to swear the affidavit before a Commissioner - Whether substantial injustice has been caused by the impropriety in execution of the affidavit - Motion to annul bankruptcy dismissed - Statement of affairs contained no substantial errors and the debtor was clearly insolvent - Whether the decision allows an assignment into bankruptcy without requiring a properly sworn statement of affairs, contrary to the explicit wording of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 - Whether the lower courts erred in finding that there was no substantial injustice caused by the impropriety in the execution of the affidavit - Whether the lower courts erred in the application of the “indoor management” rule - Whether there are issues of public importance raised.

**PROCEDURAL HISTORY**

February 19, 2002 Superior Court of Ontario (Gordon J.)	Applicant’s motion to annul its bankruptcy dismissed
January 29, 2003 Court of Appeal for Ontario (Carthy, Laskin and Cronk JJ.A.)	Appeal and cross-appeal dismissed
March 28, 2003 Supreme Court of Canada	Application for leave to appeal filed

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**Her Majesty the Queen in Right of Newfoundland and Labrador**

**v. (29640)**

**Danny Cole, Midland Transport Limited, Ray Luff Limited, Leah McLoughlin, Kathleen McLoughlin and Gerald McLoughlin (Nfld. & Lab.)**

**NATURE OF THE CASE**

Torts - Negligence - Motor Vehicles - Procedural law - Appeal - Costs - Whether the Court of Appeal erred in disturbing the findings of fact made by the trial judge that the first Respondent was partially liable for the accident - Whether the Court of Appeal erred in disturbing the apportionment of liability for the accident as made by the trial judge - Award of costs.

**PROCEDURAL HISTORY**

May 10, 2000 Supreme Court of Newfoundland, Trial Division Schwartz J.	Liability for car accident apportioned among Respondent Gerald McLoughlin (60%), Cole (20%) and the Applicant (20%)
January 6, 2003 Supreme Court of Newfoundland & Labrador, Court of Appeal (Welsh, Cameron and, Marshall [ <i>dissenting</i> ] JJ.A.)	Respondent Cole's appeal allowed; Respondents McLoughlin cross-appeals dismissed; Allocation of liability of Applicant increased to 40%
March 6, 2003 Supreme Court of Canada	Application for leave to appeal filed

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

**Billy Labranche**

**c. ( 29751)**

**Sa Majesté la Reine (Crim.) (Qué.)**

**NATURE DE LA CAUSE**

Droit criminel - Preuve - Procédure préalable au procès - Meurtre au premier degré - Critère de la cause substantielle du décès - Quels sont les éléments devant être prouvés devant le jury lors d'une accusation de meurtre au premier degré portée en vertu de l'article 231(5) du Code criminel, considérant les principes énoncés dans l'arrêt *R. c. Harbottle*, [1993] 3 R.C.S. 306, à la lumière de la décision rendue dans l'arrêt *R. c. Nette*, [2001] 3 R.C.S. 488 ? Quel est la norme juridique applicable au renvoi à procès suite à une enquête préliminaire, en vertu de l'article 548 du Code criminel, eu égard aux principes énoncés dans l'arrêt *R. c. Arcuri*, [2001] 2 R.C.S. 828, à la lumière de la décision rendue dans l'arrêt *R. c. Cinous*, [2002] C.S.C. 29 ?

**HISTORIQUE DES PROCÉDURES**

Le 5 décembre 2001 Cour du Québec (le juge St-Pierre)	Demandeur renvoyé subir son procès pour meurtre au premier degré, en vertu de l'article 231(5) du <i>Code criminel</i>
Le 13 mars 2002 Cour supérieure du Québec (le juge Beaulieu)	Requête du demandeur en <i>certiorari</i> , rejetée
Le 4 mars 2003 Cour d'appel du Québec (les juges Mailhot, Rousseau-Houle et Morin)	Appel rejeté
Le 30 avril 2003 Cour suprême du Canada	Demande d'autorisation d'appel déposée

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**Raymond J. Boucher**

**c. (29853)**

**Le Tribunal administratif du Québec et la Commission de la santé et de la sécurité du travail (Qué.)**

**NATURE DE LA CAUSE**

Procédure - Exception déclinatoire - Délai pour signifier une requête en révision judiciaire - La Cour supérieure a-t-elle erré en accueillant la requête en irrecevabilité présentée par les intimés? - La Cour d'appel a-t-elle erré en n'accordant pas la permission d'appel au demandeur?

**HISTORIQUE PROCÉDURAL**

Le 27 novembre 2002 Cour supérieure du Québec (Le juge Viens)	Requête du demandeur en révision judiciaire d'une décision du Tribunal administratif du Québec rejetée; requête en irrecevabilité accueillie
Le 31 mars 2003 Cour d'appel du Québec (Les juges Mailhot, Thibault et Morin)	Requête du demandeur pour permission d'appeler rejetée
Le 10 juillet 2003 Cour suprême du Canada	Demande d'autorisation d'appel déposée

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**André Pelland**

**c. (29805)**

**Fédération des producteurs de volailles du Québec (Qué.)**

**NATURE DE LA CAUSE**

Droit constitutionnel - Partage des compétences - L'intimée peut-elle continger la production de poulets au Québec, que celle-ci soit destinée au marché extra-provincial ou au marché intra-provincial? - Dans l'affirmative, l'intimée devait-elle être habilitée par une délégation fédérale de pouvoirs?

**HISTORIQUE PROCÉDURAL**

Le 1 <sup>er</sup> novembre 2001 Cour supérieure du Québec (Le juge Croteau)	Requête en injonction interlocutoire de l'intimée accueillie
Le 7 avril 2003 Cour d'appel du Québec (Les juges Fish, Rousseau-Houle et Chamberland)	Appel rejeté
Le 5 juin 2003 Cour suprême du Canada	Demande d'autorisation d'appel déposée

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**Credifinance Securities Limited**

**v. (29838)**

**Cable Satisfaction International Inc., Joseph Benarrosh and Benoit Dubé (Que.)**

**NATURE OF THE CASE**

Commercial law - Labour law - Contracts - Bills of exchange - Commission payable - Dismissal - Whether the *Charter of Human Rights and Freedoms* was breached - Whether the lower courts erred in assessing the actions of the parties - Whether the lower courts erred by concluding that the cheque could be issued to the joint order of the applicant's attorneys and the respondents Benarrosh and Dubé?

**PROCEDURAL HISTORY**

May 29, 2000 Superior Court of Quebec (Picard J.)	Applicant's action in damages dismissed; Respondents' counter-claims granted in part
May 15, 2003 Court of Appeal of Quebec (Dussault, Morissette and Letarte [ <i>ad hoc</i> ] JJ.A.)	Appeal dismissed
June 20, 2003 Supreme Court of Canada	Application for leave to appeal filed

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**KPMG Inc., syndic**

**c. (29834)**

**Caisse Populaire Desjardins de Bienville et M<sup>e</sup> Simon Roy (Qué.)**

**NATURE DE LA CAUSE**

Droit commercial - Droit des biens - Hypothèque - Faillite - Inopposabilité - Publication - Radiation  
- Inscription en faux - Les droits des créanciers sont-ils établis et fixés au jour de la faillite du débiteur ? - Une disposition d'ordre civil, en l'occurrence la procédure d'inscription en faux peut-elle venir remédier à cette situation et modifier un état de faits et de droits établis par la saisine du syndic sur le patrimoine du failli ? - Subsidiairement, le demandeur, qui représente d'une part les intérêts du failli mais d'autre part les intérêts des créanciers, est-il un tiers pouvant invoquer l'inopposabilité de la sûreté hypothécaire ?

**HISTORIQUE DES PROCÉDURES**

Le 1<sup>er</sup> mai 2002  
Cour supérieure du Québec  
(Le juge Lemelin)

Requête de la Caisse Populaire intimée en cassation de la décision du syndic rejetant sa preuve de réclamation garantie, accueillie

Le 15 avril 2003  
Cour d'appel du Québec  
(Les juges Rothman, Gendreau et Rochette)

Appel rejeté

Le 16 juin 2003  
Cour suprême du Canada

Demande d'autorisation d'appel déposée

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SEPTEMBER 4, 2003 / LE 4 SEPTEMBRE 2004

29370

Carl Anderson v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Empress Gas Corp. Ltd., Encor Energy Corporation Inc., Gulf Canada Resources Limited, Home Oil Company Limited, Imperial Oil Resources, Imperial Oil Resources Limited, Imperial Oil Resources Production Limited, Jethro Development Ltd., Kerr-McGee Canada Ltd., McColl-Frontenac Inc., Mobil Oil Canada, Morgan Hydrocarbons Inc., Murphy Oil Company Ltd., Petro-Canada, Royal Trust Energy Resources II Corporation, RTEC One Resources Inc. and Suncor Inc. AND BETWEEN Carl Anderson, and Richard W. C. Anderson, Co-executors of the Estate of Chris Anderson, deceased, Carl Anderson, Laureen Anderson, Richard W. C. Anderson, Gonda Humble, Margaret May Newland, Mary Ross and Lillian Rowles v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Canol Resources Ltd., Dominion Explorers Inc., Empress Gas Corp. Ltd., Gentra One Resources Inc., Gulf Canada Resources Limited, Home Oil Company Limited, International Oiltex Ltd., Jethro Development Ltd., Kerr-McGee Canada Ltd., Mobil Oil Canada, Mobil Oil Canada, Ltd., Mobil Resources Ltd., Murphy Oil Company Ltd., Ocelot Energy Inc., Petro-Canada, Inc., Suncor Inc., Talisman Energy Inc. and, Westrock Energy Resources II Corporation AND BETWEEN Marguerite J. Bouskill, Executrix of the Estate of Thomas Charles Bouskill, deceased, Marguerite J. Bouskill, Geraldine Sadie McArthur and May Eleanor Winter v. Canadian Fina Oil Limited, Home Oil Company Limited, Petrofina Canada Ltd., Petro-Canada Enterprises Inc., Petro-Canada, Inc. and Petro-Canada AND BETWEEN Bruce Wesley Burns, Executor of the Estate of Wycliffe Thomas Burns, deceased, Bruce Wesley Burns, Robert Lyle Burns and Stanley Roy Burns v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Apache Corporation, Canadian Gulf Oil Company, Canadian Pacific Limited, Empress Gas Corp. Ltd., Encor Energy Corporation Inc., Gulf Canada Limited, Gulf Canada Properties Limited, Gulf Canada Resources Limited, Home Oil Company Limited, Imperial Oil Resources, Jethro Development Ltd., Kerr-McGee Canada Ltd., Mobil Oil Canada, Morgan Hydrocarbons Inc., Murphy Oil Company Ltd., PanCanadian Petroleum Limited, Petro-Canada, Royal Trust Energy Resources II Corporation, RTEC One Resources Inc. and Suncor Inc. AND BETWEEN Roy Hoven and Adolph Hoven, Co-Executors of the Estate of Theresa Hoven, deceased v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Canol Resources Ltd., Canadian Gulf Oil Company, Dominion Explorers Inc., Empress Gas Corp. Ltd., Gulf Canada Limited, Gulf Canada Properties Limited, Gulf Canada Resources Limited, Home Oil Company Limited, International Oiltex Ltd., Jethro Development Ltd., Kerr-McGee Canada Ltd., Mobil Oil Canada, Morgan Hydrocarbons Inc., Murphy Oil Company Ltd., Ocelot Energy Inc., Petro-Canada, Royal Trust Energy Resources II Corporation, RTEC One Resources Inc., Suncor Inc. and Talisman Energy Inc. AND BETWEEN Robert John Fielding King, Executor of the Estate of Dorothy Jessie Walker, deceased, and Robert John Fielding King v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Apache Corporation, Canadian Gulf Oil Company, Canadian Pacific Limited, Empress Gas Corp. Ltd., Encor Energy Corporation Inc., Gulf Canada Limited, Gulf Canada Properties Limited, Gulf Canada Resources Limited, Home Oil Company Limited, Imperial Oil Resources, Jethro Development Ltd., Kerr-McGee Canada Ltd., Mobil Oil Canada, Morgan Hydrocarbons Inc., Murphy Oil Company Ltd., PanCanadian Petroleum Limited, Petro-Canada, Royal Trust Energy Resources II Corporation, RTEC One Resources Inc. and Suncor Inc. AND BETWEEN Robert Michael Logan, Executor of the Estate of Wilbert Logan, deceased v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Canol Resources Ltd., Dominion Explorers Inc., Empress Gas Corp. Ltd., Gulf Canada Resources Limited, Home Oil Company Limited, Imperial Oil Limited, International Oiltex Ltd., Jethro Development Ltd., Kerr-McGee Canada Ltd., Mobil Oil Canada, Morgan Hydrocarbons Inc., Murphy Oil Company Ltd., Ocelot Energy Inc., Petro-Canada, Royal Trust Energy Resources II Corporation, RTEC One Resources Inc., Suncor Inc. and Talisman Energy Inc. AND BETWEEN Angus McNeil v. Amoco Canada Oil and Gas, Amoco Canada

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Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Canadian Gulf Oil Company, Canadian Pacific Limited, Empress Gas Corp. Ltd., Encor Energy Corporation Inc., Gascan Resources Ltd., Gulf Canada Limited, Gulf Canada Properties Limited, Gulf Canada Resources Limited, Home Oil Company Limited, Imperial Oil Resources, Imperial Oil Resources Limited, Imperial Oil Resources Production Limited, Jethro Development Ltd., Kerr-McGee Canada Ltd., Lincoln-McKay Development Company Ltd., McColl-Frontenac Inc., Mobil Oil Canada, Morgan Hydrocarbons Inc., Murphy Oil Company Ltd., PanCanadian Petroleum Limited, Petro-Canada, Royal Trust Energy Resources II Corporation, RTEC One Resources Inc. and Suncor Inc. AND BETWEEN David Lloyd McNeil v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Canol Resources Ltd., Dominion Explorers Inc., Empress Gas Corp. Ltd., Gulf Canada Resources Limited, Home Oil Company Limited, Imperial Oil Resources Limited, International Oiltex Ltd., Jethro Development Ltd., Kerr-McGee Canada Ltd., Mobil Oil Canada, Morgan Hydrocarbons Inc., Murphy Oil Company Ltd., Ocelot Energy Inc., Petro-Canada, Royal Trust Energy Resources II Corporation, RTEC One Resources Inc., Suncor Inc., Talisman Energy Inc. and, Union Pacific Resources Inc. AND BETWEEN James William Murdoch and Andrew John Murdoch v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Canadian Gulf Oil Company, Canadian Pacific Limited, Empress Gas Corp. Ltd., Encor Energy Corporation Inc., Gascan Resources Ltd., Gulf Canada Limited, Gulf Canada Properties Limited, Gulf Canada Resources Limited, Home Oil Company Limited, Imperial Oil Resources, Imperial Oil Resources Limited, Imperial Oil Resources Production Limited, Jethro Development Ltd., Kerr-McGee Canada Ltd., Lincoln-McKay Development Company Ltd., McColl-Frontenac Inc., Mobil Oil Canada, Mobil Morgan Hydrocarbons Inc., Murphy Oil Company Ltd., PanCanadian Petroleum Limited, Petro-Canada, Royal Trust Energy Resources II Corporation, RTEC One Resources Inc. and Suncor Inc. AND BETWEEN Andrew Patterson Murray v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Empress Gas Corp. Ltd., Encor Energy Corporation Inc., Gulf Canada Resources Limited, Home Oil Company Limited, Imperial Oil Resources, Imperial Oil Resources Limited, Imperial Oil Resources Production Limited, Jethro Development Ltd., Kerr-McGee Canada Ltd., McColl-Frontenac Inc., Mobil Oil Canada, Morgan Hydrocarbons Inc., Murphy Oil Company Ltd., Petro-Canada, Royal Trust Energy Resources II Corporation, RTEC One Resources Inc. and Suncor Inc. AND BETWEEN David Lloyd McNeil, Executor of the Estate of Ada McNeil, deceased, David Lloyd McNeil, Evelyn McNeil and Beatrice Ann Philips Ethel Ada Thornton v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Canol Resources Ltd., Dominion Explorers Inc., Empress Gas Corp. Ltd., Gentra One Resources Inc., Gulf Canada Resources Limited, Home Oil Company Limited, International Oiltex Ltd., Jethro Development Ltd., Kerr-McGee Canada Ltd., Mobil Oil Canada, Mobil Oil Canada Ltd., Mobil Resources Ltd., Murphy Oil Company Ltd., Ocelot Energy Inc., Petro-Canada, Suncor Inc., Talisman Energy Inc. and, Westrock Energy Resources II Corporation AND BETWEEN Elias Dyrland v. 227096 Oil & Gas Ltd., Atlantic Richfield Company, Canadian Gulf Oil Company, Gulf Canada Limited, Gulf Canada Properties Limited, Gulf Canada Resources Limited, Husky Oil Operations Ltd., Conwest Exploration Company Limited, Canadian Pacific Limited, PanCanadian Petroleum Limited and Petro-Canada AND BETWEEN Roy Edward Engen, Roy Edward Engen, Executor of the Estate of Oscar Huseby, deceased, and Allan Henri Posti v. Atlantic Richfield Company, Canadian Pacific Limited, Crestar Energy, Gulf Canada Resources Limited, Lincoln-McKay Development Company Ltd., PanCanadian Petroleum Limited, Petro-Canada and Sulpetro Limited AND BETWEEN Ronald Hall and Leanne Hall, Executors of the Estate of Constance Huseby, deceased, Dorothy Jean Matthews and Norma June Cherniak, Executors of the Estate of Muriel Engen, deceased, Violet Carroll, Norma June Cherniak, Holly Muriel French, Harvey Raymond Huseby, Kelly Marlene Judson and Dorothy Jean Matthews v. Atlantic Richfield Company, Canadian Pacific Limited, Crestar Energy, Gulf Canada Resources Limited, Lincoln-McKay Development Company Ltd., PanCanadian Petroleum Limited and Petro-Canada AND BETWEEN Alick Lawton, Executor of the Estate of Roger Lawton, deceased, and Alick Lawton v. 227096 Oil & Gas Ltd., Atlantic

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**Richfield Company, Canadian Gulf Oil Company, Gulf Canada Limited, Gulf Canada Properties Limited, Gulf Canada Resources Limited, Husky Oil Operations Ltd., Conwest Exploration Company Limited, Canadian Pacific Limited, PanCanadian Petroleum Limited and Petro-Canada AND BETWEEN Russell E. Thorp and William J. Thorp, Co-Executors of the Estates of Hilmer Magnus Thorp and Pearl Mary Thorp, deceased, Russell E. Thorp and William J. Thorp v. 227096 Oil & Gas Ltd., Atlantic Richfield Company, Canadian Gulf Oil Company, Gulf Canada Limited, Gulf Canada Properties Limited, Gulf Canada Resources Limited, Husky Oil Operations Ltd., Conwest Exploration Company Limited, Canadian Pacific Limited, PanCanadian Petroleum Limited and Petro-Canada AND BETWEEN Ada Irene McKenzie and Robert Douglas Wallace, Executors of the Estate of Elizabeth D. Wallace, deceased v. Canadian Pacific Limited, Canadian Rampart Oil & Gas Ltd., J & K Petroleum Land Management Ltd., LL & E Canada Holdings, Inc., PanCanadian Petroleum Limited and Rocky River Resources Ltd. and Sunlite Oil Company Limited AND BETWEEN Mary Diane Peterson, Executrix of the Estate of Evelyn Lucinda Macey, deceased, Mary Diane Peterson, Larry John Macey and Lorna Jean Macey v. Canada Northwest Energy Limited, Canadian Pacific Limited, Canpar Holdings Ltd., PanCanadian Petroleum Limited and Serenpet Exploration Inc. AND BETWEEN Violet Anne Safron v. Apache Corporation, Sunray DX Northern Oil Co. Ltd., Sun Oil Company Limited and, Suncor Inc. AND BETWEEN Verdie Ann Lian and Janet Lee Kostiw, Executrices of the Estate of Marjorie E. Stone, deceased v. Bralorne Resources Limited, Bonanza Oil & Gas Ltd., Canadian Hunter Exploration Ltd., Lochend Partnership, Lochwest Resources Ltd., Serenpet Exploration Inc., Serenpet Inc., Serenpet Partnership and Shiningbank Energy Ltd.** (Alta.) (Civil) (By Leave)

Coram: Gonthier, Major and Arbour JJ.

The application for leave to appeal from the judgment of the Court of Appeal of Alberta (Calgary), Number 98-17974, dated June 26, 2002, is granted with costs to the applicants in any event of the cause.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Alberta (Calgary), numéro 98-17974, daté du 26 juin 2002, est accordée avec dépens en faveur des demandeurs quelle que soit l'issue de l'appel.

### **NATURE OF THE CASE**

Property Law - Hydrocarbons - Ownership of gas and oil originating from the same reservoirs being split - Determination sought as to when and where entitlement to various hydrocarbon products (notably evolved gas or “secondary gas cap gas”) is to be established - Whether changes in phase condition of hydrocarbons affect ownership rights - Whether fee simple ownership of petroleum and natural gas in Canada is in a state of confusion and uncertainty - Whether the ownership of petroleum and natural gas *in situ* is analogous to that of hard minerals - Whether an appellate court may substitute its understanding of a lower court’s decision for that of a superior court - Whether the principles of law governing ownership of petroleum and natural gas in Canada require consideration by the Supreme Court of Canada.

### **PROCEDURAL HISTORY**

July 15, 1998 Court of Queen’s Bench of Alberta (Fruman J.)	Applicants’ claims concerning the ownership of and natural gas dismissed
June 26, 2002 Court of Appeal of Alberta (O’Leary, Russell and Costigan JJ.A.)	Main appeal dismissed except with respect to the gas that emerges from connate water; appeal as to costs dismissed
September 25, 2002 Supreme Court of Canada	Application for leave to appeal filed



April 25, 2003  
Supreme Court of Canada  
Deschamps J.

Motion for an extension of time granted

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**29618**            **Attorney General of Canada v. Stephen Joseph Harper** (Alta.) (Civil) (By Leave)

Coram: Gonthier, Major and Arbour JJ.

The application for leave to appeal from the judgment of the Court of Appeal of Alberta (Calgary), Number 01-00389, dated December 16, 2002, is granted with costs to the applicant in any event of the cause.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Alberta (Calgary), numéro 01-00389, daté du 16 décembre 2002, est accordée avec dépens au demandeur quelle que soit l'issue de l'appel.

**NATURE OF THE CASE**

*Canadian Charter of Rights and Freedoms* - Civil - Civil rights - Elections - Elector bringing action for declaration that ss. 323(1) and (3), 350-60, and 362 violated ss. 2(b), 2(d) and 3 of the *Charter* and were of no force and effect pursuant to s. 52 of the *Constitution Act, 1982* - Whether third party advertising spending limits in the *Canada Elections Act 2000* violated the Respondent's *Charter* right to freedom of expression - Balance to be struck between political expression and integrity of the electoral process - Standard of proof required under s. 1 of the *Charter - Canada Elections Act, S.C. 2000, c. 9*

**PROCEDURAL HISTORY**

June 29, 2001  
Court of Queen's Bench of Alberta  
(Cairns J.)

Respondent's request to declare sections 350 and 351 of the *Canada Elections Act* in violation of the *Charter* granted; sections 350 and 351 declared of no force and effect

December 16, 2002  
Court of Appeal of Alberta  
(Berger [dissenting], Paperny and Ritter JJ.A.)

Appeal dismissed, Cross-appeal allowed: ss. 323, 350-57, and 362 declared to be of no force or effect

February 14, 2003  
Supreme Court of Canada

Application for leave to appeal filed

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29635

**City of Calgary, Halifax Regional Municipality, City of Ottawa and City of Toronto v. AT&T Canada Corp., AT & T Canada Telecom Services Company, Canadian Cable Television Association, Telus Communications Inc. (formerly called Telus Communications (B.C.)Inc.), Telus Corporation (formerly called BCT. Telus Communications Inc.), Call-net Communications Inc., Call-Net Enterprises Inc., Call-Net Technology Services Inc., Aliant Telecom Inc., Bell Canada, Leducor Industries Ltd., MTS Communications Inc., WFI Urbanlink Ltd., GT Group Telecom Services Corp., Shaw Communications Inc., Futureway Communications Inc., Attorney General of Canada AND BETWEEN Federation of Canadian Municipalities v. AT&T Canada Corp., AT & T Canada Telecom Services Company, Canadian Cable Television Association, Telus Communications Inc. (formerly called Telus Communications (B.C.)Inc.), Telus Corporation (formerly called BCT. Telus Communications Inc.), Call-net Communications Inc., Call-Net Enterprises Inc., Call-Net Technology Services Inc., Aliant Telecom Inc., Bell Canada, Leducor Industries Ltd., MTS Communications Inc., WFI Urbanlink Ltd., GT Group Telecom Services Corp., Shaw Communications Inc., Futureway Communications Inc., Attorney General of Canada AND BETWEEN City of Vancouver v. AT&T Canada Corp., AT & T Canada Telecom Services Company, Canadian Cable Television Association, Telus Communications Inc. (formerly called Telus Communications (B.C.)Inc.), Telus Corporation (formerly called BCT. Telus Communications Inc.), Call-net Communications Inc., Call-Net Enterprises Inc., Call-Net Technology Services Inc., Aliant Telecom Inc., Bell Canada, Leducor Industries Ltd., MTS Communications Inc., WFI Urbanlink Ltd., GT Group Telecom Services Corp., Shaw Communications Inc., Futureway Communications Inc., Attorney General of Canada (FC) (Civil)**  
(By Leave)

Coram:Gonthier, Major and Arbour JJ.

The applications for an extension of time are granted and the applications for leave to appeal from the judgments of the Federal Court of Appeal, Numbers A-395-01, A-396-01, A-397-01, A-398-01 and A-399-01 dated December 17, 2002, are dismissed.

Les demandes de prorogation de délai sont accordées et les demandes d'autorisations d'appel des arrêts de la Cour d'appel fédérale, numéros A-395-01, A-396-01, A-397-01, A-398-01 et A-399-01, datés du 17 décembre 2002, sont rejetées.

#### **NATURE OF THE CASE**

Constitutional law - Division of powers - Statutes - Interpretation - Administrative law - Judicial review - Standard of review - CRTC decision granting Respondent carrier permission to lay fibre optic transmission lines across municipal rights of way without requirement to pay use and occupation compensation to municipality - Whether the CRTC's decision was incorrect or unreasonable when it effectively denied these Applicants most of the usual compensation they would require in relation to the commercial use and occupation of municipal lands - Whether the CRTC exceeded its jurisdiction when it failed to give reasonable effect to the requirement for municipal consent - Whether there are constitutional limits on the CRTC's jurisdiction under ss. 42-44 of the *Telecommunications Act*, S.C. 1993, c. 38 that restrict the CRTC from overruling the constitutionally-valid managerial decisions made by municipalities in respect of the use and occupation of their rights-of-way by telecommunication carriers, and from imposing on municipalities conditions for such use and occupation - Whether the Federal Court of Appeal erred when it decided that there are no constitutional limits on the jurisdiction of the CRTC under ss. 42-44 of the *Telecommunications Act*, S.C. 1993, c. 38 when it authorizes telecommunication carriers to occupy and use municipal land - *Telecommunications Act*, S.C. 1993, c. 38, ss.42-44

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**PROCEDURAL HISTORY**

January 25, 2001 Canadian Radio-television and Telecommunications Commission	Respondent Ledcor Industries Ltd., and any of its affiliates currently operating as Canadian carriers in Vancouver, granted permission to construct, maintain and operate transmission lines in 18 street crossings in Vancouver; terms and conditions to that permission prescribed
December 17, 2002 Federal Court of Appeal (Létourneau, Nadon and Pelletier JJ.A.)	Appeals dismissed
February 28, 2003 Supreme Court of Canada	First application for leave to appeal filed
March 3, 2003 Supreme Court of Canada	Second application for leave to appeal filed
March 3, 2003 Supreme Court of Canada	Third application for leave to appeal filed

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**29662**      **David Masi Cheddesingh v. Her Majesty the Queen** (Ont.) (Criminal) (By Leave)

Coram: Gonthier, Major and Arbour JJ.

The application for an extension of time is granted and the application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C33325, dated August 20, 2002, is granted.

La demande de prorogation de délai est accordée et la demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C33325, daté du 20 août 2002, est accordée.

**NATURE OF THE CASE**

Criminal Law (Non-Charter) - Sentencing - Sentence of life imprisonment with no eligibility for parole for ten years for manslaughter - Whether courts have jurisdiction to impose a sentence of life imprisonment based solely on a fact-based characterization of the offence as one of stark horror?

**PROCEDURAL HISTORY**

May 21, 1999 Ontario Court of Justice (Langdon J.)	Applicant sentenced to life imprisonment; eight-year parole ineligibility period imposed
August 20, 2002 Court of Appeal for Ontario	Parole ineligibility period varied to ten years in accordance

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(Carthy, Abella and MacPherson JJ.A.)

with s. 743.6 of the *Criminal Code*; appeal otherwise dismissed

March 17, 2003  
Supreme Court of Canada

Applications for extension of time and for leave to appeal filed

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**29711**            **T.A. v. E.A. and Her Majesty the Queen** (Ont.) (Criminal) (By Leave)

Coram: Gonthier, Major and Arbour JJ.

The application for leave to appeal from the judgment of the Ontario Superior Court of Justice, Number P373-01, dated February 24, 2003, is dismissed.

La demande d'autorisation d'appel de l'arrêt de la Cour supérieure de justice de l'Ontario, numéro P373-01, daté du 24 février 2003, est rejetée.

**NATURE OF THE CASE**

*Canadian Charter of Rights and Freedoms* - Criminal law - Evidence - Production of third party records - Whether section 278.1 to 278.91 of the *Criminal Code* applies to records obtained by an accused person as a party to a child protection proceeding.

**PROCEDURAL HISTORY**

February 24, 2003  
Ontario Superior Court of Justice  
(Epstein J.)

Respondent's application for production of third party records pursuant to ss. 278.1 to 278.91 of the *Criminal Code*, granted

April 4, 2003  
Ontario Superior Court of Justice  
(Epstein J.)

Applicant's motion for stay of ruling until decision by the Supreme Court of Canada on the application for leave to appeal granted

April 25, 2003  
Supreme Court of Canada

Application for leave to appeal filed

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26.8.2003

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

v. (29376)

Kenneth Roy Hurrell (Crim.) (Ont.)

**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:**

1. This appeal, now tentatively scheduled to be heard on November 14, 2003, shall be adjourned to a date to be set by the Registrar which date shall be subsequent to January 1, 2004; and
2. The appellant shall be permitted to serve and file its factum on or before December 21, 2003.

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26.8.2003

Before / Devant : BINNIE J.

**Motion for leave to intervene****Requête en autorisation d'intervention**

BY / PAR : Chief Ronnie Jules, in his personal capacity and as representative of the Adams Lake Band Chief Stuart Lee, in his personal capacity and as representative of the Spallumcheen Indian Band, Chief Arthur Manuel, in his personal capacity and as representative of the Neskonlith Indian Band, David Anthony Nordquist, in his personal capacity and as representative of the Adams Lake Indian Band, the Spallumcheen Indian Band and the Neskonlith Indian Band and all other persons engaged in the cutting, damaging or destroying of Crown Timber at Timber Sale Licence A38029, Block 2

Chief Dan Wilson, in his personal capacity and as representative of the

Okanagan Indian Band and all other persons engaged in the cutting, damaging or destroying of Crown timber at Timber Sale Licence A57614

IN/DANS : The Regional Manager of the Cariboo Forest Region, et al.

v. (29292)

Roger William, on his own behalf and on behalf of all other members of the Xenigwet'in First Nations Government and on behalf of all other members of the Tsilhqot'in Nations, et al.

- and between -

The Attorney General of Canada

v. (29292)

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

**UPON APPLICATION** by Chief Ronnie Jules, in his personal capacity and as representative of the Adams Lake Band Chief Stuart Lee, in his personal capacity and as representative of the Spallumcheen Indian Band, Chief Arthur Manuel, in his personal capacity and as representative of the Neskonlith Indian Band, David Anthony Nordquist, in his personal capacity and as representative of the Adams Lake Indian Band, the Spallumcheen Indian Band and the Neskonlith Indian Band and all other persons engaged in the cutting, damaging or destroying of Crown Timber at Timber Sale Licence A38029, Block 2 and Chief Dan Wilson, in his personal capacity and as representative of the Okanagan Indian Band and all other persons engaged in the cutting, damaging or destroying of Crown timber at Timber Sale Licence A57614 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 applicants, Chief Ronnie Jules, in his personal capacity and as representative of the Adams Lake Band Chief Stuart Lee, in his personal capacity and as representative of the Spallumcheen Indian Band, Chief Arthur Manuel, in his personal capacity and as representative of the Neskonlith Indian Band, David Anthony Nordquist, in his personal capacity and as representative of the Adams Lake Indian Band, the Spallumcheen Indian Band and the Neskonlith Indian Band and all other persons engaged in the cutting, damaging or destroying of Crown Timber at Timber Sale Licence A38029, Block 2 and Chief Dan Wilson, in his personal capacity and as representative of the Okanagan Indian Band and all other persons engaged in the cutting, damaging or destroying of Crown timber at Timber Sale Licence A57614 is granted and the applicants shall be entitled to serve and file a single factum not to exceed 20 pages in length.

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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 appellants and respondents any additional disbursements occasioned to the appellants and respondents by their intervention.

**IT IS HEREBY FURTHER ORDERED THAT:**

The appellants, the Regional Manager of the Cariboo Forest Region and Her Majesty the Queen in Right of the Province of British Columbia, are granted leave to file a 20 pages reply factum.

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27.8.2003

Before / Devant : THE CHIEF JUSTICE

**Order**

**Ordonnance**

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

v. (29292)

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

**IT IS HEREBY ORDERED THAT:**

This appeal, which has been tentatively scheduled to be heard on October 15, 2003, shall be traversed to a date to be set by the Registrar during the 2004 Winter session.

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27.8.2003

Before / Devant : THE REGISTRAR

**Motion to accept the respondents' factum as filed**

The Board of Governors of Lethbridge Community College

v. (29323)

Alberta Union of Provincial Employees, et al. (Alta.)

**GRANTED / ACCORDÉE**

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28.8.2003

Before / Devant : ARBOUR J.

**Miscellaneous motion**

T.A.

v. (29711)

E.A., et al. (Crim.) (Ont.)

**GRANTED / ACCORDÉE**

**UPON APPLICATION** by the applicant for an order that a representative of the applicant, T.A. to attend the Court and to "black out" any information that is likely to identify her, the other two witnesses being T.A.'s half sisters C.A. and A.A., or the respondent E.A. and to ensure that T.A., C.A., A.A. and E.A. are identified in the materials currently filed with the Court by their initials only; and requiring that any further materials filed with the Court, not include any identifying information and that E.A., C.A., A.A. and T.A. be identified by their initials only;

**AND HAVING READ** the material filed ;

**IT IS HEREBY ORDERED THAT:**

- 1) that a representative of the applicant, T.A. to attend the Court and to "black out" any information that is likely to identify her, the other two witnesses being T.A.'s half sisters C.A. and A.A., or the respondent E.A. and to ensure that T.A., C.A., A.A. and E.A. are identified in the materials currently filed with the Court by their initials only; and
  - 2) requiring that any further materials filed with the Court, not include any identifying information and that E.A., C.A., A.A. and T.A. be identified by their initials only.
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28.8.2003

Before / Devant : BINNIE J.

**Motion for leave to intervene**

**Requête en autorisation d'intervention**

BY / PAR : Attorney General of Ontario

IN / DANS : Brian Joseph Smith

v. (29166)

Her Majesty the Queen (Crim.)  
(Nfld. & Lab.)

**GRANTED / ACCORDÉE**

**UPON APPLICATION** by the Attorney General of Ontario 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, the 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 intervener.

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 respondent any additional disbursements occasioned to the appellant and respondents by the intervention.

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**NOTICE OF APPEAL FILED SINCE  
LAST ISSUE**

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

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29.8.2003

**House of Commons and The Honourable Gilbert  
Parent**

**v. (29564)**

**Satnam Vaid and Canadian Human Rights  
Commission (F.C.)**

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**NOTICES OF INTERVENTION FILED  
SINCE LAST ISSUE**

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

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26.8.2003

BY / PAR : Attorney General of Canada

IN / DANS : **Director, Income Maintenance Branch, Ministry of Community and Social Services, et al.**

**v. (29294)**

**Sandra Falkiner, et al. (Ont.)**

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27.8.2003

BY / PAR : Procureur général du Québec

IN / DANS : **In the Matter of a Reference by the Governor in council concerning the Proposal for an Act respecting certain aspects of legal capacity for marriage for civil purposes, as set out in Order in Council P.C. 2003-1055, dated the 16<sup>th</sup> day of July, 2003. (Can.) (29866)**

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28.8.2003

BY / PAR : Attorney General of British Columbia

IN / DANS : **In the Matter of a Reference by the Governor in council concerning the Proposal for an Act respecting certain aspects of legal capacity for marriage for civil purposes, as set out in Order in Council P.C. 2003-1055, dated the 16<sup>th</sup> day of July, 2003. (Can.) (29866)**

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28.8.2003

BY / PAR : Attorney General of Quebec

IN / DANS : **Director, Income Maintenance Branch, Ministry of Community and Social services, et al.**

**v. (29294)**

**Sandra Falkiner, et al. (Ont.)**

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28.8.2003

BY / PAR : Attorney General of Quebec

IN / DANS : **The Minister of Forests, et al.**

**v. (29419)**

**Weyerhaeuser Company Limited, et al. (B.C.)**

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28.8.2003

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BY / PAR : Attorney General of Quebec

IN / DANS : **The Minister of Human Resources Development Canada**

**v. (29351)**

**Betty Hodge (F.C.)**

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2.9.2003

BY / PAR : Attorney General of Canada  
Attorney General of Ontario

IN / DAND : **Edwidge Casimir**

**v. (29297)**

**The Attorney General of Quebec (Que.)**

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**NOTICE OF DISCONTINUANCE  
FILED SINCE LAST ISSUE**

**AVIS DE DÉSISTEMENT DÉPOSÉS  
DEPUIS LA DERNIÈRE PARUTION**

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29.8.2003

**New Brunswick Government Economic Development  
Fund II Inc.**

**v. (29720)**

**ADI International Inc., et al. (N.B.)**

(Motion)

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## DEADLINES: APPEALS

The Fall Session of the Supreme Court of Canada will commence October 6, 2003.

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

**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.

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 6 octobre 2003.

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:

**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.

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

- 2003 -

04-07-2002

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

NOVEMBER - NOVEMBRE						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
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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	M	T	W	T	F	S
D	L	M	M	J	V	S
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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			

- 2004 -

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

MARCH - MARS						
S	M	T	W	T	F	S
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28	29	30	31			

APRIL - AVRIL						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
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18	M 19	20	21	22	23	24
25	26	27	28	29	30	

MAY - MAI						
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9	M 10	11	12	13	14	15
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23	H 24	25	26	27	28	29
30	31					

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

Motions:  
Requêtes:

Holidays:  
Jours fériés:



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

