

**SUPREME COURT
OF CANADA**



**COUR SUPRÊME
DU CANADA**

**BULLETIN OF
PROCEEDINGS**

**BULLETIN DES
PROCÉDURES**

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**APPLICATIONS FOR LEAVE TO
APPEAL FILED**

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

**Association des juristes d'expression française du
Nouveau-Brunswick**

Michel Doucet
Université de Moncton

c. (30467)

La ville de Saint-Jean (N.-B.)

Mélanie C. Tompkins

DATE DE PRODUCTION: 17.8.2004

et entre

Mario Charlebois

Mario Charlebois

c. (30467)

La ville de Saint-Jean (N.-B.)

Mélanie C. Tompkins

DATE DE PRODUCTION: 30.8.2004

Stellarbridge Management Inc.

Ronald B. Moldaver, Q.C.
Traub Moldaver

v. (30475)

Magna International (Canada) Inc., et al. (Ont.)

Gordon Meiklejohn
Brannan Meiklejohn Butts

FILING DATE: 20.8.2004

Jodi Edell, et al.

Howard S. Black
Minden Gross Grafstein & Greenstein

v. (30485)

Paul Sitzer in all of his capacities, et al. (Ont.)

Benjamin Zarnett
Goodmans

FILING DATE: 27.8.2004

Canutilities Holdings Ltd.

Clifton D. O'Brien, Q.C.
Bennett Jones

v. (30492)

Her Majesty the Queen (FC)

Bonnie F. Moon
Attorney General of Canada

FILING DATE: 30.8.2004

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

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

SEPTEMBER 7, 2004 / LE 7 SEPTEMBRE 2004

**CORAM: Major, Binnie and Fish JJ.
Les juges Major, Binnie et Fish**

Her Majesty the Queen

v. (30395)

John Charles Woods (Man.) (Crim.)

NATURE OF THE CASE

Criminal Law (Non *Charter*) - Offences - Interpretation - Whether the Court of Appeal erred in law in concluding that the administration of the alcohol screening device test to the Respondent did not meet the “forthwith” requirement of section 254(2) of the *Criminal Code*.

PROCEDURAL HISTORY

May 8, 2002 Provincial Court of Manitoba (Everett J.)	Respondent convicted of operating a motor vehicle while impaired “over .08” contrary to s. 253(b) of the <i>Criminal Code</i>
March 5, 2003 Court of Queen’s Bench of Manitoba (Nurgitz J.)	Respondent’s appeal from conviction, allowed; acquittal entered
April 19, 2004 Court of Appeal of Manitoba (Philp, Twaddle and Freedman JJ.A.)	Appeal dismissed
June 17, 2004 Supreme Court of Canada	Application for leave to appeal filed

Joseph Patrick Authorson, deceased, by his Litigation Administrator, Peter Mountney and by his Litigation Guardian, Lenore Majoros

v. (30343)

The Attorney General of Canada (Ont.)

NATURE OF THE CASE

Statutes – Interpretation – Property law – Pensions – Estates – Department of Veterans Affairs (DVA) administering accumulated pension and treatment allowances on behalf of disabled veterans deemed incapable of managing own affairs – Court of Appeal finding accumulated but unspent pension and treatment allowances in veterans’ accounts not forming part of veterans’ estates upon death, pursuant to unambiguous and *intra vires* legislation – Whether s. 31 *Pension Act* unambiguously authorizes Crown to keep, at their deaths, unpaid balance of veterans’ accumulated administered pensions – Whether s. 55 *Veteran’s Treatment Regulations* is *ultra vires* its enabling statute, *Department of Veterans Affairs Act*

– *Pension Act* R.S.C. 1985 c. P-6, s. 31, as amended – *Department of Veterans Affairs Act*, R.S.C. 1985, c. V-1, s. 5(1)(d)
– *Veteran’s Treatment Regulations*, C..R.C. 1978, c. 1585, s. 55.

PROCEDURAL HISTORY

March 24, 2003 Ontario Superior Court of Justice (Brockenshire J.)	Applicant’s motion for summary judgment regarding accumulated pensions, dismissed; Applicant’s claim regarding accumulated treatment allowances, allowed in part; s. 55 <i>Veterans Treatment Regulations</i> declared <i>ultra vires</i> as of 1986
March 25, 2004 Court of Appeal for Ontario (Abella, Blair and Benotto [<i>ad hoc</i>] JJ.A.)	Applicant’s appeal dismissed; Respondent’s cross-appeal, allowed
May 21, 2004 Supreme Court of Canada	Application for leave to appeal filed

CORAM: Bastarache, LeBel and Deschamps JJ.
Les juges Bastarache, LeBel et Deschamps

Raymond Adam Dagenais

v. (30440)

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

NATURE OF THE CASE

Criminal Law (Non Charter) - Jurisdiction - Sentencing - Dangerous Offender - Whether the Court of Appeal erred in determining that the sentencing judge’s determination respecting rehabilitation and public safety constituted an error of law - Whether the Court of Appeal erred in concluding that if public safety cannot be addressed with a determinate sentence or a long term offender designation, then the only alternative is to designate the offender a dangerous offender - Whether a judge hearing a dangerous offender application is entitled to decline to designate an offender a dangerous offender in the absence of admissible expert opinion deemed worthy of weight respecting treatment prospects and future dangerousness.

PROCEDURAL HISTORY

May 4, 2001 Court of Queen’s Bench of Alberta (Park J.)	Applicant sentenced to life imprisonment for two counts of threatening to cause death or bodily harm contrary to section 264.1(1)(a) of the <i>Criminal Code</i> and attempted murder contrary to section 239(b) of the <i>Criminal Code</i>
December 23, 2003 Court of Appeal of Alberta (Calgary) (Fruman, Wittmann, and LoVecchio JJA)	Appeal allowed; sentence set aside; Applicant designated as a dangerous offender; Applicant sentenced to detention in a penitentiary for an indeterminate period

July 27, 2004
Supreme Court of Canada

Application for extension of time and leave to appeal filed

**Francine Bourdon, Lise Chamberland, Gudrun Deumié,
Yvon Laprade, Shirley Smith et Michel Tanguay**

c. (30299)

Stelco inc. (Qc)

NATURE DE LA CAUSE

Droit commercial – Législation – Interprétation – Régime de retraite – Droit international – Droit international privé – Choix de loi applicable – Compétence de la Cour supérieure – Les avantages prévus à l’art. 74 de la *Loi sur les Régimes de retraite*, S.R.O. 1990, ch. P-8, ne s’appliquent-ils qu’aux participants ontariens compte tenu du régime de retraite des demandeurs? – La Cour supérieure du Québec était-elle compétente pour entendre le litige compte tenu de l’existence d’une décision finale du surintendant des pensions de l’Ontario?

HISTORIQUE DES PROCÉDURES

Le 20 juin 2000
Cour supérieure du Québec
(Le juge Durocher)

Action des demandeurs rejetée

Le 1 mars 2004
Cour d’appel du Québec
(Les juges Robert, Nuss et Morin)

Appel rejeté

Le 30 avril 2004
Cour suprême du Canada

Demande d’autorisation d’appel déposée

Banque nationale du Canada

c. (30311)

Procureur général du Canada

ET ENTRE :

Caisse populaire d’Amos

c.

Procureur général du Canada

ET ENTRE :

Caisse populaire Desjardins de Lebel-sur-Quévillon

c.

Procureur général du Canada

ET ENTRE :

Banque nationale du Canada

c.

Procureur général du Canada (CF)

NATURE DE LA CAUSE

Droit fiscal - Perception de la fiducie présumée - Les dispositions du par. 227(4.1) de la *Loi de l'impôt sur le revenu*, L.R.C. 1985, ch. 1 (5^e suppl.) et du par. 86(2.1) de la *Loi sur l'assurance-emploi*, L.C. 1996, ch. 23, ont-elles une portée suffisamment claire et étendue pour permettre à Sa Majesté de rendre les demanderesse personnellement responsables du paiement de dettes fiscales dues par leurs emprunteurs (les débiteurs fiscaux) et ce, du seul fait qu'elles soient, aux termes de l'exercice de leurs droits hypothécaires, devenues propriétaires de biens de ces derniers ou qu'elles aient perçu le produit découlant de leur vente?

HISTORIQUE DES PROCÉDURES

Le 11 octobre 2002
Cour fédérale du Canada
(Le juge Martineau)

Actions de l'intimée visant le recouvrement de montants déduits à la source et non remis contrairement aux par. 227(4) et (4.1) de la *Loi de l'impôt sur le revenu* et 86(2.1) de la *Loi sur l'assurance-emploi* rejetées

Le 5 mars 2004
Cour d'appel fédérale
(Les juges Décary, Noël et Nadon)

Appels accueillis

Le 3 mai 2004
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Association des professeurs de l'Université Concordia (CUFA)

c. (30363)

Richard Bisailon, Université Concordia, Régie des Rentes du Québec, John Hall et Howard Fink

ET ENTRE :

Université Concordia

c.

Richard Bisailon, Régie des Rentes du Québec, Association des professeurs de l'Université Concordia (CUFA), John Hall et Howard Fink (Qc)

NATURE DE LA CAUSE

Droit administratif – Procédure – Droit du travail – Recours collectif – Régime de retraite – Convention collective – Compétence – « Essence » du litige – Recours collectif intenté pour contester un régime de retraite inclus à des conventions collectives qui lient certains des employés bénéficiaires du régime – La Cour d’appel a-t-elle erré en déclarant que la Cour supérieure était compétente pour autoriser ou refuser l’exercice d’un recours collectif au nom de tous les bénéficiaires du régime de retraite?

HISTORIQUE DES PROCÉDURES

Le 25 avril 2003
Cour supérieure du Québec
(Le juge Crépeau)

Requête en exception déclinatoire accueillie; requête de l’intimé Bisailon en autorisation de recours collectif rejetée

Le 31 mars 2004
Cour d’appel du Québec
(Les juges Baudouin, Morin et Rochon)

Appel accueilli; jugement de première instance infirmé; requête en exception déclinatoire rejetée; dossier retourné à la Cour supérieure pour adjudication sur la requête en autorisation d’exercer un recours collectif

Le 28 mai 2004
Cour suprême du Canada

Demande d’autorisation d’appel déposée par l’Association demanderesse

Le 31 mai 2004
Cour suprême du Canada

Demande d’autorisation d’appel déposée par l’Université demanderesse

MOTION FOR RECONSIDERATION / DEMANDE DE RÉEXAMEN

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

1. George Sutherland v. Her Majesty the Queen (Ont.) (Crim.) (29028)
 2. Donald Spindler, et al. v. The Warden of Millhaven Institution (Ont.) (30032)
-

31.8.2004

Before / Devant: FISH J.

Motion to file a reply factum on appeal

Requête pour le dépôt d'un mémoire en réplique lors de l'appel

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 July 16, 2003 (29866) (Can.)

DISMISSED WITHOUT COSTS / REJETÉE SANS DÉPENS

UPON APPLICATION by the interveners Dawn Barbeau and Elizabeth Barbeau, Peter Cook and Murray Warren, Jane Hamilton and Joy Masuhara (the B.C. Couples) for an order permitting the filing of a reply factum;

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The Court does not favour the filing of a reply factum (see *Notice to the Profession* dated June 1990) and following the order of the Chief Justice dated February 19, 2004, the motion is dismissed without costs.

31.8.2004

Before / Devant: DESCHAMPS J.

Motion to seal Tabs 6A, 6B, and 6C of the application for leave to appeal

Requête pour sceller les onglets 6A, 6B et 6C de la demande d'autorisation d'appel

Brookfield Lepage Johnson Controls Facility
Management Services

v. (30486)

Minister of Public Works and Government Service (FC)

GRANTED / ACCORDÉE The confidential documents shall be sealed from access by the public to be made available only to members of this Court, Court staff, counsel for the applicant and counsel for the respondent.

31.8.2004

Before / Devant: DESCHAMPS J.

Motion to extend the time in which to serve and file the factum and book of authorities of the intervener the Attorney General of Ontario and to present oral argument at the hearing of the appeal

Provincial Court Judges' Association of New Brunswick, et al.

v. (30006)

Her Majesty the Queen in Right of the Province of New Brunswick as represented by the Minister of Justice (N.B.)

GRANTED / ACCORDÉE

UPON APPLICATION by the intervener, the Attorney General of Ontario, for an order extending the time to serve and file its factum and book of authorities and for an order permitting the said intervener to present oral argument at the hearing of this appeal.

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The motion of the intervener, the Attorney General of Ontario, to serve and file its factum and book of authorities to September 21, 2004, is granted.

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.

31.8.2004

Before / Devant: DESCHAMPS J.

Motion to extend the time in which to serve and file the factum and book of authorities of the intervener the Attorney General of Alberta and to present oral argument at the hearing of the appeal

Provincial Court Judges' Association of New Brunswick, et al.

v. (30006)

Her Majesty the Queen in Right of the Province of New Brunswick as represented by the Minister of Justice (N.B.)

GRANTED / ACCORDÉE

Requête en prorogation du délai imparti pour signifier et déposer les mémoire et recueil de sources et de doctrine de l'intervenant le procureur général de l'Ontario et pour présenter une plaidoirie lors de l'audition de l'appel

Requête en prorogation du délai imparti pour signifier et déposer les mémoire et recueil de sources et de doctrine de l'intervenant le procureur général de l'Alberta et pour présenter une plaidoirie lors de l'audition de l'appel

UPON APPLICATION by the intervener, the Attorney General of Alberta, for an order extending the time to serve and file its factum and book of authorities and for an order permitting the said intervener to present oral argument at the hearing of this appeal.

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The motion of the intervener, the Attorney General of Alberta, to serve and file its factum and book of authorities to August 31, 2004, is granted.

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.

1.9.2004

Before / Devant: FISH J.

Further order on motions for leave to intervene

BY/PAR: The Ontario Human Rights Commission,
The British Columbia Civil Liberties Association,
The Honourable Anne Cools, Member of the Senate and Roger Gallaway, Member of the House of Commons,
The Canadian Human Rights Commission,
The Canadian Bar Association,
The Canadian Coalition of Liberal Rabbis for Same-Sex Marriage and Rabbi Debra Landsberg, as its nominee,
Egale Canada Inc. and Melinda Roy, Tanya Chambers, David Shortt, Shane McCloskey, Lloyd Thornhill, Robert Peacock, Robin Roberts, Diana Denny, Wendy Young and Mary Teresa Healy (the "Egale Couples"),
Focus on the Family (Canada) Association and REAL Women of Canada, collectively as the Association for Marriage and the Family in Ontario,
The Canadian Conference of Catholic Bishops,
The Ontario Conference of Catholic Bishops,

Autre ordonnance sur des requêtes en autorisation d'intervention

Mouvement laïque québécois,
Hedy Halpern, Colleen Rogers,
Michael Leshner, Michael Stark,
Michelle Bradshaw, Rebekah
Rooney, Aloysius Pittman, Thomas
Allworth, Dawn Onishenko, Julie
Erbland, Carolyn Rowe, Caroline
Moffat, Barbara McDowell, Gail
Donnelly, Alison Kemper,
Joyce Barnett (“Ontario Couples”)
and Michael Hendricks, René
LeBoeuf (“Quebec Couples”),
The Church of Jesus Christ of Latter
Day Saints,
The Islamic Society of North
America, the Catholic Civil Rights
League and the Evangelical
Fellowship of Canada, collectively as
the Interfaith Coalition on Marriage
and Family,
The Foundation for Equal Families,
The Metropolitan Community Church
of Toronto,
Dawn Barbeau and Elizabeth
Barbeau, Peter Cook and Murray
Warren, and Jane Eaton Hamilton and
Joy Masuhara (“B.C. Couples”),
The Manitoba Human Rights
Commission,
The Canadian Civil Liberties
Association,
Martin Dion,
The Coalition pour le mariage civil
des couples de même sexe,
The Working Group on Civil Unions,
The United Church of Canada,
The Canadian Unitarian Council,
The Seventh-day Adventist Church in
Canada

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
July 16, 2003 (Can.) (29866)

UPON APPLICATIONS by the Ontario Human Rights Commission, the British Columbia Civil Liberties Association, the Honourable Anne Cools, Member of the Senate and Roger Gallaway, Member of the House of Commons, the Canadian Human Rights Commission, the Canadian Bar Association, the Canadian Coalition of Liberal Rabbis for Same-Sex Marriage and Rabbi Debra Landsberg, as its nominee, Egale Canada Inc. and Melinda Roy, Tanya Chambers, David Shortt, Shane McCloskey, Lloyd Thornhill, Robert Peacock, Robin Roberts, Diana Denny, Wendy Young and Mary Teresa Healy (the "Egale Couples"), Focus on the Family (Canada) Association and REAL Women of Canada, collectively as the Association for Marriage and the Family in Ontario, the Canadian Conference of Catholic Bishops, the

Ontario Conference of Catholic Bishops, Mouvement laïque québécois, Hedy Halpern, Colleen Rogers, Michael Leshner, Michael Stark, Michelle Bradshaw, Rebekah Rooney, Aloysius Pittman, Thomas Allworth, Dawn Onishenko, Julie Erbland, Carolyn Rowe, Caroline Moffat, Barbara McDowell, Gail Donnelly, Alison Kemper, Joyce Barnett (“Ontario Couples”) and Michael Hendricks, René LeBoeuf (“Quebec Couples”), the Church of Jesus Christ of Latter Day Saints, the Islamic Society of North America, the Catholic Civil Rights League and the Evangelical Fellowship of Canada, collectively as the Interfaith Coalition on Marriage and Family, the Foundation for Equal Families, the Metropolitan Community Church of Toronto, Dawn Barbeau and Elizabeth Barbeau, Peter Cook and Murray Warren, and Jane Eaton Hamilton and Joy Masuhara (“B.C. Couples”) the Manitoba Human Rights Commission, the Canadian Civil Liberties Association, Martin Dion, the Coalition pour le mariage civil des couples de même sexe, the Working Group on Civil Unions, the United Church of Canada, the Canadian Unitarian Council and the Seventh-day Adventist Church in Canada for leave to intervene in the above reference appeal and pursuant to the orders of January 23 and April 22, 2004;

IT IS HEREBY FURTHER ORDERED THAT the said interveners, the Attorney General of Quebec and the Attorney General of Alberta, are each granted permission to present oral argument not exceeding twenty (20) minutes at the hearing of the appeal.

IT IS HEREBY FURTHER ORDERED THAT the said interveners, the “Egale Couples” and the “B.C. Couples”, are granted permission to present oral argument not exceeding thirty (30) minutes at the hearing of the appeal, to be divided by agreement between them or, failing agreement, to be divided equally.

IT IS HEREBY FURTHER ORDERED THAT the said interveners, the “Ontario Couples” and the “Quebec Couples”, are together granted permission to present oral argument not exceeding thirty (30) minutes in all at the hearing of the appeal.

IT IS HEREBY FURTHER ORDERED THAT the said interveners, the Canadian Conference of Catholic Bishops and the Ontario Conference of Catholic Bishops, are granted permission to present oral argument not exceeding twenty (20) minutes at the hearing of the appeal, to be divided by agreement between them or, failing agreement, to be divided equally.

IT IS HEREBY FURTHER ORDERED THAT the said interveners, Focus on the Family (Canada) Association and REAL Women of Canada, collectively as the Association for Marriage and the Family in Ontario, are granted permission to present oral argument not exceeding twenty (20) minutes at the hearing of the appeal.

IT IS HEREBY FURTHER ORDERED THAT the said interveners, the Islamic Society of North America, the Catholic Civil Rights League and the Evangelical Fellowship of Canada, collectively as the Interfaith Coalition on Marriage and Family, are granted permission to present oral argument not exceeding twenty (20) minutes at the hearing of the appeal.

IT IS HEREBY FURTHER ORDERED THAT the said interveners, Ontario Human Rights Commission, the British Columbia Civil Liberties Association, the Honourable Anne Cools, Member of the Senate and Roger Gallaway, Member of the House of Commons, the Canadian Human Rights Commission, the Canadian Bar Association, the Canadian Coalition of Liberal Rabbis for Same-Sex Marriage and Rabbi Debra Landsberg, as its nominee, Mouvement laïque québécois, the Church of Jesus Christ of Latter Day Saints, the Foundation for Equal Families, the Metropolitan Community Church of Toronto, the Manitoba Human Rights Commission, the Canadian Civil Liberties Association, Martin Dion, the Coalition pour le mariage civil des couples de même sexe, the Working Group on Civil Unions, the United Church of Canada, the Canadian Unitarian Council and the Seventh-day Adventist Church in Canada, are each granted permission to present oral argument not exceeding ten (10) minutes at the hearing of the appeal.

À LA SUITE DES DEMANDES de la Commission ontarienne des droits de la personne, la British Columbia Civil Liberties Association, l'honorable Anne Cools, sénatrice, et Roger Gallaway, membre de la Chambre des communes, la Commission canadienne des droits de la personne, l'Association du Barreau canadien, la Coalition canadienne des Rabbins libéraux en faveur des mariages entre conjoints de même sexe et Rabbin Debra Landsberg, en sa qualité de représentante désignée, Egale Canada Inc. et Melinda Roy, Tanya Chambers, David Shortt, Shane McCloskey, Lloyd Thornhill, Robert Peacock, Robin Roberts, Diana Denny, Wendy Young et Mary Teresa Healy (« Couples Egale »), Focus on the Family (Canada) Association et REAL Women of Canada, désignés collectivement comme l'Association for Marriage and the Family in Ontario, la Conférence canadienne des évêques catholiques, l'Ontario Conference of Catholic Bishops, le

Mouvement laïque québécois, Hedy Halpern, Colleen Rogers, Michael Leshner, Michael Stark, Michelle Bradshaw, Rebekah Rooney, Aloysius Pittman, Thomas Allworth, Dawn Onishenko, Julie Erbland, Carolyn Rowe, Caroline Moffat, Barbara McDowell, Gail Donnelly, Alison Kemper, Joyce Barnett (« Couples Ontario ») et Michael Hendricks, René LeBoeuf (« Couples Québec »), l'Église de Jésus-Christ des Saints des derniers jours, l'Islamic Society of North America, la Catholic Civil Rights League et l'Evangelical Fellowship of Canada, désignés collectivement comme l'Interfaith Coalition on Marriage and Family, la Foundation for Equal Families, la Metropolitan Community Church of Toronto, Dawn Barbeau et Elizabeth Barbeau, Peter Cook et Murray Warren ainsi que Jane Eaton Hamilton et Joy Masuhara (« Couples C.-B. »), la Commission des droits de la personne du Manitoba, l'Association canadienne des libertés civiles, Martin Dion, la Coalition pour le mariage civil des couples de même sexe, le Working Group on Civil Unions, l'Église unie du Canada, le Conseil unitaire canadien et l'Église adventiste du septième jour au Canada visant à obtenir l'autorisation d'intervenir dans le renvoi susmentionné et conformément aux ordonnances du 23 janvier et 22 avril 2004;

IL EST EN OUTRE ORDONNÉ QUE les intervenants le procureur général du Québec et le procureur général de l'Alberta disposeront chacun, pour la plaidoirie orale, d'une période d'au plus vingt (20) minutes.

IL EST EN OUTRE ORDONNÉ QUE les intervenants, « Couples Egale » et « Couples C.-B. » disposeront, pour la plaidoirie orale, d'une période d'au plus trente (30) minutes, qu'ils se partageront également à moins de convenir d'une répartition différente.

IL EST EN OUTRE ORDONNÉ QUE les intervenants, « Couples Ontario » et « Couples Québec » disposeront ensemble, pour la plaidoirie orale, d'une période d'au plus trente (30) minutes.

IL EST EN OUTRE ORDONNÉ QUE les intervenants, la Conférence canadienne des évêques catholiques et l'Ontario Conference of Catholic Bishops disposeront, pour la plaidoirie orale, d'une période d'au plus vingt (20) minutes, qu'ils se partageront également à moins de convenir d'une répartition différente.

IL EST EN OUTRE ORDONNÉ QUE les intervenants, Focus on the Family (Canada) Association et REAL Women of Canada, désignés collectivement comme l'Association for Marriage and the Family in Ontario disposeront, pour la plaidoirie orale, d'une période d'au plus vingt (20) minutes.

IL EST EN OUTRE ORDONNÉ QUE les intervenants, Islamic Society of North America, Catholic Civil Rights League et Evangelical Fellowship of Canada, désignés collectivement comme l'Interfaith Coalition on Marriage and Family disposeront, pour la plaidoirie orale, d'une période d'au plus vingt (20) minutes.

IL EST EN OUTRE ORDONNÉ QUE les intervenants, la Commission ontarienne des droits de la personne, la British Columbia Civil Liberties Association, l'honorable Anne Cools, sénatrice, et Roger Gallaway, membre de la Chambre des communes, la Commission canadienne des droits de la personne, l'Association du Barreau canadien, la Coalition canadienne des Rabbins libéraux en faveur des mariages entre conjoints de même sexe et Rabbin Debra Landsberg, en sa qualité de représentante désignée, le Mouvement laïque québécois, l'Église de Jésus-Christ des Saints des derniers jours, la Foundation for Equal Families, la Metropolitan Community Church of Toronto, la Commission des droits de la personne du Manitoba, l'Association canadienne des libertés civiles, Martin Dion, la Coalition pour le mariage civil des couples de même sexe, le Working Group on Civil Unions, l'Église unie du Canada, le Conseil unitaire canadien et l'Église adventiste du septième jour au Canada, disposeront chacun, pour la plaidoirie orale, d'une période d'au plus dix (10) minutes.

2.9.2004

Before / Devant: THE REGISTRAR

Motion to extend the time in which to serve and file the response and book of authorities of the respondent Kingsway General Insurance Company

Requête en prorogation du délai imparti pour signifier et déposer la réponse et le recueil de sources de l'intimée Kingsway General Insurance Company

Garan, Lucow, Miller, P.C., et al.

v. (30336)

M.J. Jones Inc., et al. (Ont.)

GRANTED / ACCORDÉE Time extended to June 21, 2004.

2.9.2004

Before / Devant: THE REGISTRAR

Motion to extend the time in which to serve and file the response and book of authorities of the respondents M.J. Jones and Melvin J. Jones

Requête en prorogation du délai imparti pour signifier et déposer la réponse et le recueil de sources des intimés M.J. Jones et Melvin J. Jones

Garan, Lucow, Miller, P.C., et al.

v. (30336)

M.J. Jones Inc., et al. (Ont.)

GRANTED / ACCORDÉE Time extended to June 22, 2004.

2.9.2004

Before / Devant: THE REGISTRAR

Motion to extend the time in which to serve and file the applicant's reply

Requête en prorogation du délai imparti pour signifier et déposer la réplique du demandeur

Marc-André Bouliane

c. (30401)

Procureur général de Québec, et al. (Qc)

GRANTED / ACCORDÉE Time extended to September 20, 2004.

2.9.2004

Before / Devant: THE REGISTRAR

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

Requête en prorogation du délai imparti pour signifier et déposer les dossier, mémoire et recueil de sources de l'appelant

Attorney General of Canada

v. (30137)

Donald Gladstone, et al. (B.C.)

GRANTED / ACCORDÉE Time extended to October 12, 2004.

2.9.2004

Before / Devant: FISH J.

Motion to extend the time in which to serve and file the respondents' record, factum and book of authorities and to present oral argument at the hearing of the appeal

Requête en prorogation du délai imparti pour signifier et déposer les dossier, mémoire et recueil de sources des intimés, et pour présenter une plaidoirie lors de l'audition de l'appel

Her Majesty the Queen

v. (29865)

Krystopher Krymowski, et al. (Ont.) (Crim.)

GRANTED / ACCORDÉE

UPON APPLICATION by the respondents for an order extending the time to serve and file their factum, record and book of authorities to July 5, 2004, and for an order permitting the respondent to present oral argument at the hearing of this appeal.

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The motion is granted.

3.9.2004

Before / Devant: FISH J.

Motion for leave to intervene and, if granted, motion to file a reply factum

Requête en autorisation d'intervention et, si accordée, requête pour le dépôt d'un mémoire en réplique

BY/PAR: Friends of the Earth / Les ami(e)s de la Terre, Georgia Strait Alliance, T. Buck Suzuki Environmental Foundation and West Coast Environmental Law Association.

IN/DANS: North Fraser Harbour Commission, et al.

v. (29971)

Attorney General of British Columbia, et al. (B.C.)

GRANTED / ACCORDÉES

UPON APPLICATION by Friends of the Earth / Les Ami(e)s de la Terre, Georgia Strait Alliance, T. Buck Suzuki Environmental Foundation and West Coast Environmental Law Association, for leave to intervene in the above appeal;

AND UPON APPLICATION by the respondent, British Columbia Hydro and Power Authority, to file a factum in reply, should leave to intervene by Friends of the Earth / Les Ami(e)s de la Terre, Georgia Strait Alliance, T. Buck Suzuki Environmental Foundation and West Coast Environmental Law Association be granted;

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The motion for leave to intervene of the applicant, Friends of the Earth / Les Ami(e)s de la Terre, Georgia Strait Alliance, T. Buck Suzuki Environmental Foundation and West Coast Environmental Law Association, is granted and the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length.

The requests to present oral argument are 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 raise new issues or 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 appellants and respondents any additional disbursements occasioned to the appellants and respondents by their intervention.

IT IS HEREBY FURTHER ORDERED THAT:

The respondent, British Columbia Hydro and Power Authority, is granted leave to file a factum not to exceed 5 pages in reply to the factum of the intervener Friends of the Earth / Les Ami(e)s de la Terre, Georgia Strait Alliance, T. Buck Suzuki Environmental Foundation and West Coast Environmental Law Association.

**NOTICE OF DISCONTINUANCE
FILED SINCE LAST ISSUE**

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

2.9.2004

Lawrence David Luftspring

v. (30402)

Marilyn Elizabeth Luftspring (Ont.)

(leave)

DEADLINES: APPEALS

The Fall Session of the Supreme Court of Canada will start October 4, 2004.

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 4 octobre 2004.

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'appellant, 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'appellant.

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

- 2004 -

10/06/04

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

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

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

- 2005 -

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

FEBRUARY - FÉVRIER						
S D	M L	T M	W M	T J	F V	S S
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6	M 7	8	9	10	11	12
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27	28					

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

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

Sittings of the court:
Séances de la cour:

Motions:
Requêtes:

Holidays:
Jours fériés:

18
M
H

18 sitting weeks/semaines séances de la cour
88 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