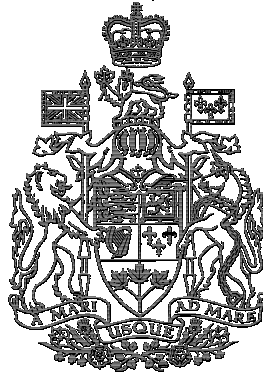


**SUPREME COURT  
OF CANADA**



**COUR SUPRÊME  
DU CANADA**

**BULLETIN OF  
PROCEEDINGS**

**BULLETIN DES  
PROCÉDURES**

*This Bulletin is published at the direction of the Registrar and is for general information only. It is not to be used as evidence of its content, which, if required, should be proved by Certificate of the Registrar under the Seal of the Court. While every effort is made to ensure accuracy, no responsibility is assumed for errors or omissions.*

*Ce Bulletin, publié sous l'autorité du registraire, ne vise qu'à fournir des renseignements d'ordre général. Il ne peut servir de preuve de son contenu. Celle-ci s'établit par un certificat du registraire donné sous le sceau de la Cour. Rien n'est négligé pour assurer l'exactitude du contenu, mais la Cour décline toute responsabilité pour les erreurs ou omissions.*

*Subscriptions may be had at \$100 per year, payable in advance, in accordance with the Court tariff. During Court sessions it is usually issued weekly.*

*Le prix de l'abonnement, fixé dans le tarif de la Cour, est de 100 \$ l'an, payable d'avance. Le Bulletin paraît en principe toutes les semaines pendant les sessions de la Cour.*

*The Bulletin, being a factual report of recorded proceedings, is produced in the language of record. Where a judgment has been rendered, requests for copies should be made to the Registrar, with a remittance of \$10 for each set of reasons. All remittances should be made payable to the Receiver General for Canada.*

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

---

September 15, 1995

1336 - 1377

le 15 septembre 1995

---

## NOTICE / AVIS

### **BULLETIN OF PROCEEDINGS SUBSCRIPTION RATE CHANGE**

Schedules A and B to the *Rules of the Supreme Court of Canada* (the tariff of fees payable to the Registrar and the fees taxable between parties) have been replaced. The new tariffs came into force on April 5, 1995, registered as SOR/95-158.

Under the new Schedule A, the cost of an individual issue of the *Bulletin of Proceedings* will be \$10 (effective April 5, 1995) and the annual subscription will be \$200 (effective January 1, 1996) (GST to be added).

### **BULLETIN DES PROCÉDURES CHANGEMENT DU PRIX D'ABONNEMENT**

Les annexes A et B des *Règles de la Cour suprême du Canada* (le tarif des honoraires payables au registraire et des honoraires taxables entre parties) ont été remplacées. Les nouveaux tarifs sont entrés en vigueur le 5 avril 1995 et sont enregistrés sous le n° DORS/95-158.

En vertu de la nouvelle annexe A, le prix d'un exemplaire du *Bulletin des procédures* sera de 10 \$ (à compter du 5 avril 1995) et l'abonnement annuel sera de 200 \$ (à compter du 1<sup>er</sup> janvier 1996) (TPS en plus).

**CONTENTS**

**TABLE DES MATIÈRES**

Applications for leave to appeal filed	1336 - 1338	Demandes d'autorisation d'appel déposées
Applications for leave submitted to Court since last issue	1339 - 1346	Demandes soumises à la Cour depuis la dernière parution
Oral hearing ordered	-	Audience ordonnée
Oral hearing on applications for leave	-	Audience sur les demandes d'autorisation
Judgments on applications for leave	1347 - 1361	Jugements rendus sur les demandes d'autorisation
Motions	1362 - 1370	Requêtes
Notices of appeal filed since last issue	1371	Avis d'appel déposés depuis la dernière parution
Notices of intervention filed since last issue	1372	Avis d'intervention déposés depuis la dernière parution

APPEALS HEARD SINCE LAST ISSUE AND  
DISPOSITION

APPELS ENTENDUS DEPUIS LA DERNIÈRE  
PARUTION ET RÉSULTAT

---

Notices of discontinuance filed since last issue	1373	Avis de désistement déposés depuis la dernière parution
Appeals heard since last issue and disposition	-	Appels entendus depuis la dernière parution et résultat
Pronouncements of appeals reserved	-	Jugements rendus sur les appels en délibéré
Headnotes of recent judgments	-	Sommaires des arrêts récents
Weekly agenda	1374	Ordre du jour de la semaine
Summaries of the cases	-	Résumés des affaires
Cumulative Index - Leave	-	Index cumulatif - Autorisations
Cumulative Index - Appeals	-	Index cumulatif - Appels
Appeals inscribed - Session beginning	-	Appels inscrits - Session commençant le
Notices to the Profession and Press Release	-	Avis aux avocats et communiqué de presse
Deadlines: Motions before the Court	1375	Délais: Requêtes devant la Cour
Deadlines: Appeals	1376	Délais: Appels
Judgments reported in S.C.R.	1377	Jugements publiés au R.C.S.

**APPLICATIONS FOR LEAVE TO  
APPEAL FILED**

**Compagnie Montréal Trust**

Serge Guérette  
Martineau, Walker

c. (24843)

**Gestion d'investissements Jadeau Inc. et al.  
(Qué.)**

Claude Pelletier  
Hart, St. Pierre

DATE DE PRODUCTION 29.8.1995

**Ville de Pointe-Claire**

Michel Dupuy  
Bélanger Sauvé

c. (24845)

**Syndicat des employées et employés  
professionnels-les et de bureau, Section locale 57  
(S.E.P.B. - U.I.E.P.B. - C.T.C. - F.T.Q.) (Qué.)**

Pierre Gingras

DATE DE PRODUCTION 30.8.1995

**The Judges of the Provincial Court of Manitoba  
as represented by the Manitoba Provincial Judges  
Association et al.**

Robb Tonn  
Myers Weinberg Kussin Weinstein Bryk

v. (24846)

**Her Majesty The Queen in right of the Province  
of Manitoba as represented by Rosemary Vodrey  
et al. (Man.)**

E.W. Olson, Q.C.  
Thompson, Dorfman, Sweatman

FILING DATE 30.8.1995

**Upper Lakes Group Inc.**

Jacques A. Laurin  
Legault, Longtin, Laurin, Halpin

v. (24849)

**National Transportation Agency et al. (F.C.A.)**

Richard Makush

FILING DATE 1.9.1995

**Linda June White**

Andrea M. Habas  
Bresver, Grossman, Scheininger & Davis

v. (24850)

**The Equitable Life Insurance Co. of Canada  
(Ont.)**

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

Mary M. Recoskie  
Gowling, Strathy & Henderson

FILING DATE 1.9.1995

**Air Canada**

Neil Finkelstein  
Blake, Cassels & Graydon

v. (24851)

**Liquor Control Board of Ontario et al. (Ont.)**

Tom Marshall  
A.G. of Ontario

FILING DATE 5.9.1995

**Jose Domingo Malaga Arica**

Michael Crane

v. (24852)

**The Minister of Employment and Immigration  
(F.C.A.)(Ont.)**

Claire A.H. le Riche  
Dept. of Justice

FILING DATE 5.9.1995

**Rhoda Loken**

Carol Rosset  
Legal Services Society of B.C.

v. (24853)

**The Attorney General of Canada (F.C.A.)(B.C.)**

Leigh Taylor  
Dept. of Justice

FILING DATE 5.9.1995

**Entreprise Maridey Inc.**

Line Poirier  
Guy & Gilbert

c. (24536)

**Le procureur général du Québec (Qué.)**

Henri-Pierre Labrie  
Subs. du procureur général

DATE DE PRODUCTION 11.9.1995

**Debra P. et al.**

Mrs. Margaret A. Hoy

v. (24823)

**Her Majesty The Queen et al.**

Sue Chapman



A.G. of Ontario

and between

**Kathleen H.**

Sheena Scott  
Canadian Foundation for Children Youth  
& Law

v. (24823)

**Dr. Robert Robertson Ross et al. (Ont.)**

William J.A. Hobson, Q.C.  
Hobson & Assoc.

FILING DATE 31.8.1995

---

**Kamil Trabulsey**

David Schermbrucker  
Bailey, Schermbrucker

v. (24854)

**Her Majesty The Queen (Crim.)(Ont.)**

Richard Connelly  
Crown Law Office - Criminal

FILING DATE 6.9.1995

---

**Husky Oil Operations Ltd.**

Anthony J. Jordan, Q.C.  
Code Hunter Wittmann

v. (24855)

**Saint John Shipbuilding Ltd. et al. (Nfld.)**

Steven R. May  
Haley Hunt

FILING DATE 6.9.1995

---

**Peter H. Pocklington**

Bryan Williams, Q.C.  
Swinton & Co.

v. (24856)

**Gainers Inc. et al. (Alta.)**

Neil C. Wittmann, Q.C.  
Code Hunter Wittmann

FILING DATE 7.9.1995

---

**Canadian National Railway Co.**

Douglas W. Lahay  
Clark, Wilson

v. (24857)

**Burlington Northern Railroad Co. (B.C.)**

R.R.E. DeFilippi  
Douglas Symes & Brissenden

FILING DATE 8.9.1995

---

**Robert R. Foster**

Line Poirier  
Guy & Gilbert

c. (24858)

**Le procureur général de la province de Québec  
(Qué.)**

Henri-Pierre Labrie  
Subs. du procureur général

DATE DE PRODUCTION 7.9.1995

---

**Imperial Oil Ltd.**

J. Edgar Sexton, Q.C.  
Osler, Hoskin & Harcourt

v. (24859)

**The Superintendent of Pensions for the  
Province of N.S. et al. (N.S.)**

Mariam Tyson, Q.C.  
Dept. of Justice

FILING DATE 8.9.1995

---

**La Ville de Verdun**

Pierre Le Page  
Hébert Denault

c. (24860)

**Gilles Doré (Qué.)**

Daniel Paquin  
Alarie, Legault, Beauchemin, Paquin,  
Jobin & Brisson

DATE DE PRODUCTION 7.9.1995

---

**Dennis David Wilson**

Charles Lugosi  
Lugosi & Cornett

v. (24834)

**Her Majesty The Queen (B.C.)**

Robert A. Mulligan  
Min. of A.G.

FILING DATE 11.9.1995

---

**Stanley Gordon Johnson**

Owen D. Young

v. (24862)

**Her Majesty The Queen (N.S.)**  
David M. Meadows  
A.G. Canada

FILING DATE 11.9.1995

---

**Emad Elguindy**  
Emad Elguindy

v. (24736)

**Her Majesty The Queen (Crim.)(Ont.)**  
David Butt  
A.G. of Ontario

FILING DATE 28.8.1995

---

**William H. Waddington**  
William H. Waddington

v. (24861)

**Rosa Maria Vaz Murphy (Ont.)**  
Douglas B. Singer  
Forbes, Singer & Smith

FILING DATE 11.9.1995

---

**AUGUST 31, 1995 / LE 31**

**AOÛT 1995**

**CORAM: CHIEF JUSTICE LAMER AND GONTHIER AND IACOBUCCI JJ. /  
LE JUGE EN CHEF LAMER ET LES JUGES GONTHIER ET IACOBUCCI**

**Christian Tremblay**

**c. (24804)**

**Sa Majesté la Reine (Crim.)(Qué.)**

**NATURE DE LA CAUSE**

*Charte des droits et libertés* - Droit criminel - Stupéfiants - Recevabilité en preuve de communications privées interceptées en vertu d'autorisations judiciaires - Preuve - Article 8 de la *Charte des droits et libertés* - La Cour d'Appel du Québec commet-elle une erreur en refusant d'intervenir à l'encontre d'une décision de première instance quand la seule preuve consiste en la transcription de bandes d'écoute électronique obtenue à l'encontre de la *Charte canadienne des droits et libertés* et qu'une disposition impérative du *Code criminel* demande d'écarter?

**HISTORIQUE PROCÉDURAL**

Le 5 août 1992  
Cour du Québec (chambre criminelle)  
(Verdon, J.C.Q.)

Voir-dire: autorisations d'écoute électronique  
déclarées valides

Le 27 octobre 1992  
Cour du Québec (chambre criminelle)  
(Verdon, J.C.Q.)

Déclaration de culpabilité: trafic de stupéfiants

Le 4 mai 1995  
Cour d'appel du Québec  
(LeBel, Tourigny et  
Brossard, J.J.C.A.)

Appel rejeté

Le 28 juin 1995  
Cour suprême du Canada

Demande d'autorisation d'appel déposée

---

**Russell J. Kalmacoff, David M. Cockfield,  
Joseph O'Brien, Darold H. Parken,  
Edward H. Wernick, John L. Lee, Dino Bottero and  
Security Home Mortgage Corporation**

v. (24758)

**Richardson Greenshields of Canada Limited (Ont.)**

**NATURE OF THE CASE**

Procedural law - Actions - Derivative actions - Shareholder may be "complainant" for purpose of derivative action under s. 339 of the *Trust and Loan Companies Act*, S.C. 1991, c.45, despite not having been shareholder at time facts giving rise to complaint occurred - Whether a court of first instance is entitled to dismiss an application for leave to commence a derivative action for lack of genuine standing.

**PROCEDURAL HISTORY**

June 20, 1994  
Ontario Court (General Division)  
Commercial List  
(Farley J.)

Application brought by the Respondent under s. 339  
of the *Trust and Loan Companies Act* for an order  
granting leave to bring a derivative action dismissed

April 7, 1995  
Court of Appeal for Ontario  
(Robins, McKinlay and Carthy JJ.A.)

Appeal allowed

June 1, 1995  
Supreme Court of Canada

Application for leave to appeal filed

---

**CORAM: LA FOREST, CORY AND MAJOR JJ. /  
LES JUGES LA FOREST, CORY ET MAJOR**

**Graham Construction and Engineering  
(1985) Ltd.**

**v. (24762)**

**Thunderbrick Limited, City of Yorkton,  
Wally's Masonry Ltd., Yorkton  
Concrete Products Ltd., and Wallace  
Construction Specialties Ltd. (Sask.)**

**NATURE OF THE CASE**

Commercial law - Mechanics' liens - Contract - Remedies - Statutes - Interpretation - Holdback -Set off - Whether the interpretation given to the setoff provisions of *The Builders Lien Act*, S.S. 1984-85-86, c. B-7.1 by the Court of Appeal conflicts with interpretations given to similar provisions of the *Construction Lien Act*, R.S.O. 1990, c.30, and its predecessor the *Mechanics Lien Act*, by the Courts of Ontario and the Supreme Court of Canada.

**PROCEDURAL HISTORY**

July 23, 1993  
Court of Queen's Bench for Saskatchewan  
(Baynton J.)

Rule 188 application to determine entitlement of funds paid into court: Applicant entitled to set-off sum owed by Respondent Wally's

April 5, 1995  
Court of Appeal for Saskatchewan  
(Bayda C.J., Gerwing, and Jackson J.J.A.)

Appeal allowed: monies paid into court are available for distribution on a pro-rata basis to lienholders

June 2, 1995  
Supreme Court of Canada

Application for leave to appeal filed

---

**Workers' Compensation Board of New Brunswick**

**v. (24813)**

**Angela Savoie (N.B.)**

**NATURE OF THE CASE**

Labour law - Workers' compensation - Administrative law - Appeal - Jurisdiction - Whether the Court of Appeal exceeded its scope of appellate review.

**PROCEDURAL HISTORY**

August 29, 1994  
Workers' Compensation Board Appeals Board

Claim for workers' compensation benefits denied

May 17, 1995  
Court of Appeal of New Brunswick  
(Hoyt C.J.N.B., Ayles and Ryan JJ.A.)

Appeal allowed

July 14, 1995  
Supreme Court of Canada

Application for leave to appeal filed

---

**CORAM: L'HEUREUX-DUBÉ, SOPINKA AND McLACHLIN JJ. /  
LES JUGES L'HEUREUX-DUBÉ, SOPINKA ET McLACHLIN**

**Apotex Inc.**

**v. (24751)**

**Merck & Co., Inc. and Merck Frosst Canada Inc. (F.C.A.)(Ont.)**

**NATURE OF THE CASE**

Property law - Food and drugs - Patents - Statutes - Interpretation - Patent infringement - S. 56 of the *Patent Act*, R.S.C. 1985, c. P-4 - Does material that is protected from infringement by virtue of s. 56 of the *Patent Act* in the hands of one person when a patent issues become infringing material when acquired by a purchaser from that person? - Does material that is made and sold under licence become infringing material when resold after the termination or extinguishment of the licence? - Is a claim for a non-inventive composition a valid patent claim where there is an existing claim for the inventive component therein in the same or an earlier patent? - Is a claim for the use of a composition or compound to treat a disease a valid claim in law?

**PROCEDURAL HISTORY**

December 14, 1994  
Federal Court of Appeal, Trial Division  
(MacKay J.)

Infringement by Respondent of Applicant's  
exclusive patent rights and Respondent not saved by  
s. 56 of the *Patent Act*

April 19, 1995  
Federal Court of Appeal  
(Stone, MacGuigan and Robertson JJ.A.)

Appeal allowed: Counter-claim dismissed

June 19, 1995  
Supreme Court of Canada

Application for leave to appeal filed

---

**CORAM: CHIEF JUSTICE LAMER AND L'HEUREUX-DUBÉ AND GONTHIER JJ. /  
LE JUGE EN CHEF LAMER ET LES JUGES L'HEUREUX-DUBÉ ET GONTHIER**

**Ville de Montréal**

**c. (24761)**

**Syndicat canadien de la fonction publique,  
Section locale 301**

**- et -**

**Conseil des services essentiels (Qué.)**

**NATURE DE LA CAUSE**

Droit administratif - Droit du travail - Relations de travail - Convention collective - Contrôle judiciaire - Compétence - Refus des employés de faire du temps supplémentaire - Pouvoir du Conseil des services essentiels d'accorder le redressement - La Cour d'appel peut-elle invalider les dispositions de l'ordonnance du Conseil des services essentiels non reliées à la liberté d'effectuer du temps supplémentaire rendant ainsi sans objet les citations pour outrage au tribunal qui ont pour but de sanctionner la grève illégale et les gestes illégaux commis par le syndicat, ses officiers et ses membres en violation de l'ordonnance? - Le Conseil des services essentiels a-t-il excédé sa compétence en rendant l'ordonnance qui suspend temporairement, et dans un contexte limitatif, le droit à la liberté individuelle d'effectuer du temps supplémentaire prévu à la convention collective?

**HISTORIQUE PROCÉDURAL**

Le 2 septembre 1994  
Conseil des services essentiels  
(Lemieux, présidente, Désilets, vice-président,  
Corriveau et Alcindor-Coulanges, membres)

Ordonnance rendue

Le 19 octobre 1994  
Cour supérieure du Québec (Guthrie, J.C.S.)

Requête du syndicat intimé en révision judiciaire  
rejetée

Le 3 avril 1995  
Cour d'appel du Québec  
(Rothman, Deschamps et Otis, JJ.C.A.)

Appel du syndicat-intimé accueilli

Le 2 juin 1995  
Cour suprême du Canada

Demande d'autorisation d'appel déposée

---

**SEPTEMBER 8, 1995 / LE 8 SEPTEMBRE 1995**

**CORAM: CHIEF JUSTICE LAMER AND GONTHIER AND IACOBUCCI JJ. /  
LE JUGE EN CHEF LAMER ET LES JUGES GONTHIER ET IACOBUCCI**



---

Her Majesty The Queen

v. (24772)

Boris Tarnovsky (Crim.)(Ont.)

**NATURE OF THE CASE**

Criminal law - Defence - Evidence - Defence of alibi - Whether time is an essential element of the offence - Respondent found guilty of sexual assault and of touching for a sexual purpose - Appeal allowed - Whether the Court of Appeal for Ontario erred in law in defining the scope of the "alibi exception" to the general rule that time is not an essential element of an offence so broadly as to transform time into an essential element of the offence of sexual assault in the circumstances of this case.

**PROCEDURAL HISTORY**

June 24, 1993 Ontario Court (General Division) (Humphrey J.)	Convictions: Sexual assault and touching for a sexual purpose
April 11, 1995 Court of Appeal for Ontario (Doherty, Weiler and Laskin, JJ.A.)	Appeal allowed, convictions quashed, acquittals entered
June 7, 1995 Supreme Court of Canada	Application for leave to appeal filed

---

**CORAM: LA FOREST, CORY AND MAJOR JJ. /  
LES JUGES LA FOREST, CORY ET MAJOR**

**Alvin Henry Jansen,  
Jansen Western Transport Inc.**

v. (24763)

**Antonida Kroecker (B.C.)**

**NATURE OF THE CASE**

Torts - Damages - Motor vehicles - Personal injury compensation - Loss of ability to do housework - Compensation for loss of domestic self-sufficiency - Whether the Court of Appeal has created a new head of damages that is a significant departure from principles of tort law established by the Supreme Court of Canada and that will impose a considerable financial burden on society.

**PROCEDURAL HISTORY**

March 23, 1992 Supreme Court of British Columbia (Spencer J.)	Personal injury award: \$23,000 for loss of ability to perform household tasks
April 16, 1995 Court of Appeal for British Columbia (Taylor [dissenting], Gibbs, Goldie, Prowse and Ryan [dissenting] JJ.A.)	Appeal allowed to reduce damage award only: award reduced to \$7,000
June 5, 1995 Supreme Court of Canada	Application for leave to appeal filed

---

**CORAM: L'HEUREUX-DUBÉ, SOPINKA AND McLACHLIN JJ. /  
LES JUGES L'HEUREUX-DUBÉ, SOPINKA ET McLACHLIN**

---

**Brady Lewis Williams**

**v. (24770)**

**Regina (Crim.)(B.C.)**

**NATURE OF THE CASE**

Criminal law - Defence - Evidence - First degree murder - Provocation - Self-defence - Consciousness of guilt - Application of s. 686(1)(b)(iii) of the *Criminal Code* - Whether the Court of Appeal for British Columbia erred in law in applying the curative provisions of s. 686(1)(b)(iii) of the *Criminal Code* to the Applicant's appeal against conviction when the Court had determined that the trial judge had erred in instructing the jury on consciousness of guilt - Whether the Court of Appeal erred in law in ruling that consciousness of guilt was an insignificant part of the Applicant's trial and thus the error charging the jury on consciousness of guilt could be remedied by the application of the curative provisions of s. 686(1)(b)(iii) of the *Criminal Code* - Whether the Court of Appeal erred in law in ruling that the trial judge had not erred in his instructions to the jury on the defence of provocation as it impacted on the issue of intention to commit murder - Whether the Court of Appeal erred in law in concluding that there was no necessity to instruct the jury on the cumulative effect of provocation and self-defence as there was no accumulation of separate influences which could be said to have operated on the mind of the Applicant as the defences had their genesis in a single source.

**PROCEDURAL HISTORY**

October 26, 1992 Supreme Court for British Columbia (Melnick, J.)	Conviction: First degree murder
April 10, 1995 Court of Appeal for British Columbia (Prowse, Donald and Hutcheon, JJ.A.)	Appeal dismissed
June 12, 1995 Supreme Court of Canada	Notice of application for leave to appeal filed
June 15, 1995 Supreme Court of Canada (Cory J.)	Motion to extend the time to apply for leave to appeal to July 31, 1995, granted
August 1, 1995 Supreme Court of Canada (Gonthier J.)	Motion to extend the time to apply for leave to appeal to August 15, 1995, granted
August 9, 1995 Supreme Court of Canada	Application for leave to appeal filed

---

**J.F.S.**

**c. (24817)**

**E.V. (Qué.)**

**NATURE DE LA CAUSE**

Droit de la famille - Divorce - Garde - Accès - Art. 17 de la *Loi sur le divorce*, L.R.C. 1985, ch. D-3.4 - L'erreur soulevée par les juges majoritaires de la Cour d'appel est-elle une erreur manifestement déraisonnable permettant la modification des conclusions de faits du premier juge? - Le jugement de première instance est-il un jugement punitif? - Dans l'affirmative, existe-t-il une sanction au défaut du parent gardien de respecter son obligation de favoriser les droits d'accès de l'autre parent? - Contrairement à ce qu'ont décidé les juges majoritaires de la Cour d'appel, la conduite d'une partie doit-elle être prise en considération lors de l'attribution d'une ordonnance modificative de la garde d'un enfant?

**HISTORIQUE PROCÉDURAL**

APPLICATIONS FOR LEAVE  
SUBMITTED TO COURT SINCE LAST ISSUE

DEMANDES SOUMISES À LA COUR DEPUIS  
LA DERNIÈRE PARUTION

---

Le 8 mars 1995  
Cour supérieure du Québec  
(Landry j.c.s.)

Requête en modification des mesures accessoires  
accueillie: garde de l'enfant accordée au demandeur

Le 28 juin 1995  
Cour d'appel du Québec (LeBel, Deschamps  
[dissidente] et Chamberland j.j.c.a.)

Pourvoi accueilli: garde de l'enfant restituée à  
l'intimée à compter du 31 juillet 1995

Le 19 juillet 1995  
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Le 26 juillet 1995  
Cour d'appel du Québec (Vallerand j.c.a.)

Requête en sursis accordée jusqu'à ce que la Cour  
suprême dispose du dossier

---

---

AUGUST 31, 1995 / LE 31 AOÛT 1995

24656 SYLVAIN CHARLEBOIS c. LE COLLÈGE MILITAIRE ROYAL DE SAINT-JEAN - et - LE PROCUREUR GÉNÉRAL DU CANADA (Qué.)

CORAM: Le Juge en chef et les juges L'Heureux-Dubé et Gonthier

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

The application for leave to appeal is dismissed with costs.

**NATURE DE LA CAUSE**

Droit administratif - Tribunaux - Contrôle judiciaire - Compétence - Pouvoir de surveillance et de contrôle - Refus d'un Collège militaire de décerner un diplôme universitaire - Recours en mandamus - Statut juridique du collège - Le collège est un établissement d'enseignement constitué suivant l'article 47 de la *Loi sur la défense nationale*, L.R.C. (1985), ch. N-5, et également, un établissement universitaire au sens de la *Loi sur les établissements d'enseignement de niveau universitaire*, L.R.Q. c. E-14.1 - Est-ce qu'une cour supérieure provinciale perd son droit général de surveillance et de contrôle sur le collège?

---

SEPTEMBER 7, 1995 / LE 7 SEPTEMBRE 1995

24624 JOHN W. MACKINNON - v. - THE ATTORNEY GENERAL OF CANADA (F.C.A.)(Ont.)

CORAM: The Chief Justice and Gonthier and Iacobucci JJ.

The application for leave to appeal is dismissed with costs.

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

**NATURE OF THE CASE**

Administrative law - Statutes - Interpretation - Unemployment insurance - Review of decision of umpire - Applicant receiving benefits while on a training course - Benefits suspended while he was incarcerated - Whether courts erred in extending benefits for three weeks only.

---

24674 RAYMOND LAVOIE ET AL., RÉAL R. LAPOINTE, ALAIN TURGEON, PHILIPPE CLÉMENT, PIERRE G. BOUCHARD, J.H. DENIS GAGNON, GUY SAULNIER, DENIS LABERGE, JACQUES SAUVÉ, RENÉ LAMBERT, RICHARD RIOUX, DONALD W. SEAL, FRANK M.E. SCHLESINGER, JACQUES LAVERDURE, JACQUES LAMONTAGNE, GABRIEL GARNEAU, GILLES THOUIN, RAYMOND SÉGUIN, JEAN-PIERRE GIGNAC, PIERRE NADEAU ET LA CONFÉRENCE DES JUGES MUNICIPAUX DU QUÉBEC - c. - LE PROCUREUR GÉNÉRAL DU QUÉBEC, LE MINISTRE DE LA JUSTICE DU QUÉBEC, LE MINISTRE DES AFFAIRES MUNICIPALES - et - UNION DES MUNICIPALITÉS DU QUÉBEC (Qué.)

CORAM: Le Juge en chef et les juges L'Heureux-Dubé et Gonthier

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

The application for leave to appeal is dismissed with costs.

**NATURE DE LA CAUSE**

Droit administratif - Droit constitutionnel - Législation - Interprétation - Tribunaux - Juges - Indépendance judiciaire - Indépendance institutionnelle - Inamovibilité - Sécurité financière - Réforme des cours municipales - Abolition de cours municipales - L'article 39 de la *Loi sur les cours municipales*, L.R.Q., ch. C-72.01, qui prévoit notamment qu'un juge cesse d'exercer ses fonctions lorsque la Cour à laquelle il est nommé est abolie, ainsi que l'article 111 de la *Loi sur les cours municipales*, L.Q. 1993, ch. 62, et l'article 7.3 de la *Loi sur les cours municipales*, L.R.Q., ch. 72, tel qu'édicte par l'article 40 du chapitre 2 des Lois du Québec de 1982, sont-ils nuls, invalides inconstitutionnels, illégaux, inapplicables, contraires à l'ordre public, abusifs et inopérants en totalité ou en partie aux motifs qu'ils contreviennent aux principes de l'indépendance institutionnelle des cours municipales du Québec et des juges qui la composent?

---

**24678**            **STEVEN JOSEPH GARDNER - v. - HER MAJESTY THE QUEEN** (Crim.)(B.C.)

CORAM:            The Chief Justice and Gonthier and Iacobucci JJ.

The application for extension of time is granted and the application for leave to appeal is dismissed.

La demande de prorogation de délai est accordée et la demande d'autorisation d'appel est rejetée.

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

Criminal law - Trials - Waiver of procedural requirements - Right to fundamental justice and fair hearings - Right to effective assistance by counsel - Defence counsel's failure to discuss with the accused the different modes of trial - Whether the Court of Appeal erred in finding an informed and valid waiver of the right to trial by jury in the circumstances of this case - Whether the Court of Appeal erred in finding that despite a lack of effective assistance of counsel the applicant's right to full answer and defence was not impaired because the appellant could not prove the result would necessarily have been different.

---

**24734**            **GABRIEL FONTAINE - c. - SA MAJESTÉ LA REINE - et - L'HONORABLE JUGE LAURENT DUBÉ** (Qué.)

CORAM:            Le Juge en chef et les juges Gonthier et Iacobucci

La demande d'autorisation d'appel est rejetée.

The application for leave to appeal is dismissed.

#### **NATURE DE LA CAUSE**

Droit administratif - Procédures - Droit criminel - Procédure préalable au procès - Droit constitutionnel - Législation - Interprétation - Compétence des tribunaux de droit commun - Privilèges parlementaires - Les tribunaux de droit commun peuvent-ils être saisis des accusations criminelles portées contre un membre du Parlement compte tenu de l'article 52.6 de la *Loi sur le Parlement du Canada*, qui confère compétence exclusive au Bureau de régie interne de la Chambre des communes de donner un avis sur la régularité de l'utilisation des fonds mis à la disposition du député dans le cadre de ses fonctions parlementaires?

---

**24717**            **CAROLE L. BARRONS - v. - HER MAJESTY THE QUEEN IN RIGHT OF CANADA** (F.C.A.)

CORAM:            The Chief Justice and Gonthier and Iacobucci JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

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

Taxation - Assessment - Judicial review - *Canadian Charter of Rights and Freedoms* - Minimum tax exemption - Whether s. 127.53 of the *Income Tax Act* grants the Applicant an exemption of \$40,000 in the computation of her income for the purposes of Division B (computation of income) or Division C (computation of taxable income) - Whether the Applicant's rights under ss. 7 and 15 of the *Charter* were violated - Whether the Court of Appeal erred in deciding that the materials before them showed no arguable case for judicial review and erred in ignoring their own previous ruling that a self-represented plaintiff should not be held to the same professional standard of drafting pleadings as a lawyer - Whether the lower courts erred in putting a legal burden of proof on the Applicant and offended the Applicant's rights under s.11 of the *Charter*.

---

**24701**            **SOLANGE DUBEAU - c. - GESTION JEAN-PAUL RICKNER LIMITÉE - et - OFFICIER DE LA PUBLICITÉ DES DROITS DE LA CIRCONSCRIPTION FONCIÈRE DE BERTHIER GREFFIER DE LA COUR DE MONTREAL** (Qué.)

CORAM:            Le Juge en chef et les juges L'Heureux-Dubé et Gonthier

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

The application for leave to appeal is dismissed with costs.

**NATURE DE LA CAUSE**

*Code civil* - Prêt - Hypothèques - Clause de dation en paiement - Défaut de la demanderesse d'effectuer les paiements prévus - Action de l'intimée en dation en paiement accueillie - Requête de l'intimée en application de l'article 501.5 du *Code de procédure civile* accueillie en appel - Appel de la demanderesse rejetée - La Cour d'appel du Québec a-t-elle commis une erreur en accordant la requête de l'intimée?

---

**24703**            **CORPORATION D'ASSURANCE DE PERSONNE LA LAURENTIENNE, L'IMPÉRIALE, COMPAGNIE D'ASSURANCE-VIE, LA LAURENTIENNE-VIE INC. - c. - VILLE DE QUÉBEC ET COMMUNAUTÉ URBAINE DE QUÉBEC** (Qué.)

CORAM:            Le Juge en chef et les juges L'Heureux-Dubé et Gonthier

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

The application for leave to appeal is dismissed with costs.

**NATURE DE LA CAUSE**

Droit fiscal - Code civil - Évaluation - Législation - Interprétation - Biens immeubles - Biens meubles - *Loi sur la fiscalité municipale*, L.R.Q., ch. F-2.1, mod. par L.Q. 1986, ch. 34 - Interprétation du terme "attaché" de la définition du terme "immeuble" - En modifiant la *Loi sur la fiscalité municipale* en 1986, le législateur québécois a-t-il voulu se montrer plus exigeant en regard de l'attache physique matérielle qui serait éventuellement requise pour qu'un objet mobilier soit considéré comme "immeuble" au sens de la loi? - Des objets mobiliers, tels des allées de quilles, deviennent-ils des immeubles au sens de la *Loi sur la fiscalité municipale* lorsqu'ils sont déposés sur un plancher de béton d'un immeuble, sans attache d'aucune sorte avec celui-ci, mais simplement par le seul fait de leur immobilité sur le plancher de béton?

---

**24585**            **JAMES JOSEPH RODRIGUE - c. - SA MAJESTÉ LA REINE** (Crim.)(Yukon)

CORAM:            Le Juge en chef et les juges Gonthier et Iacobucci

La demande d'autorisation d'appel est rejetée.

The application for leave to appeal is dismissed.

---

**NATURE DE LA CAUSE**

*Charte canadienne des droits et libertés - Droit criminel - Procédure - Procédure préalable au procès - Appel - Compétence - Est-ce qu'un accusé qui exerce son droit en vertu de l'art. 530 du Code criminel a droit à la divulgation de la preuve dans la langue officielle de son choix? - Existe-t-il un droit d'appel à l'encontre d'une ordonnance rendue en vertu de l'art. 24 de la Charte avant l'audition du procès? - Kourtessis c. M.N.R., [1993] 2 R.C.S. 53; R. c. Meltzer, [1989] 1 R.C.S. 1764; R. c. Mills, [1986] 1 R.C.S. 863; R. c. Stinchcombe, [1991] 3 R.C.S. 326.*

---

**24731**                    **SOCIÉTÉ NATIONALE DE L'AMIANTE ET MINES SNA INC. - c. - LAB CHRYSOTILE INC., 2858-0702 QUÉBEC INC. ET LAC D'AMIANTE DU CANADA LTÉE** (Qué.)

CORAM:                Le Juge en chef et les juges L'Heureux-Dubé et Gonthier

La demande de prorogation de délai est accordée et la demande d'autorisation d'appel est rejetée avec dépens.

The application for extension of time is granted and the application for leave to appeal is dismissed with costs.

**NATURE DE LA CAUSE**

Procédure - Procédure préalable au procès - Preuve - Législation - Interprétation - Lorsqu'un document est pertinent pour les fins d'un litige civil, quelle est l'interrelation entre la disposition de la *Loi sur l'accès aux documents des organismes publics et sur la protection des renseignements personnels*, L.R.Q. 1977, ch. A-2.1, qui autorise "un organisme à ne pas dévoiler l'existence ni donner communication d'un renseignement dont la divulgation porterait sérieusement atteinte aux intérêts économiques de l'organisme ou de la collectivité à l'égard de laquelle il est compétent" et la règle de la publicité des débats judiciaires consacrée à l'art. 13 du *Code de procédure civile* du Québec? - Quelle autorité doit-on accorder à une décision de la Commission d'accès à l'information du Québec qui a conclu qu'un certain document était confidentiel et que sa divulgation porterait atteinte aux intérêts économiques des demanderesse "sinon de la collectivité québécoise même"?

---

**SEPTEMBER 14, 1995 / LE 14 SEPTEMBRE 1995**

**24746**                    **JEAN RIVARD - c. - SA MAJESTÉ LA REINE** (Crim.)(Qué.)

CORAM:                Le Juge en chef et les juges Gonthier et Iacobucci

La demande d'autorisation d'appel est rejetée.

The application for leave to appeal is dismissed.

**NATURE DE LA CAUSE**

Droit criminel - Fraude - Preuve - Remboursement de frais d'installation par suite du déménagement du demandeur à la demande de son employeur - Guide sur la politique en matière de réinstallation - Réclamation d'une somme supérieure à celle versée à l'agent d'immeubles pour la vente du domicile du demandeur - Éléments de preuve de la fraude - Les tribunaux d'instance inférieure ont-ils commis une erreur dans l'examen des critères applicables en matière de fraude et dans l'application de ceux-ci aux faits en l'espèce?

---

**24811**                    **M.D.C. - v. - HER MAJESTY THE QUEEN** (Crim.)(B.C.)

CORAM:                The Chief Justice and Gonthier and Iacobucci JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Criminal law - Trial - Evidence - Sexual assault - Failure of the accused to testify - Whether the Court of Appeal erred in law in finding that the trial judge was permitted to comment on the Applicant's failure to testify - *R. v. François*, [1994] 2 S.C.R. 827; *R. v. Lepage*, [1995] 1 S.C.R. 654.

---

**24542**                    **DEREK ANTHONY WOOD v. HER MAJESTY THE QUEEN** (Crim.)(N.S.)

CORAM:                La Forest, Cory and Major JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Criminal law - Canadian Charter of Rights - Evidence - Pre-trial Procedure - Confessions - Right to Counsel - Whether the Court of Appeal erred in law when it rejected the Applicant's ground of appeal that the trial judge erred in ruling that the Applicant's Charter rights including the right to counsel and the right to remain silent had not been violated - Whether the Court of Appeal erred in law in ruling that the right to counsel was not a continuing right except in exceptional circumstances - Whether the Court of Appeal erred in law when it characterized the denial of the right to counsel, if it had occurred, as being trivial - Whether the Court of Appeal erred in its analysis and application of s. 24(2) of the Charter as it applies to an infringement of s. 10(b) - Whether the Court of Appeal erred in law in ruling that even if there was a breach of the right to counsel, the statements, utterances and reenactment after May 16 were not tainted by an assumed breach of s. 10(b) on May 16.

---

**24552**                    **KENNETH JAMES HUNTER v. HER MAJESTY THE QUEEN** (Crim.)(Ont.)

CORAM:                La Forest, Cory and Major JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Criminal law - Evidence - Trial - Operation of "joint venturers" rule as to statements - Whether Court of Appeal erred in holding that hearsay acts and declarations could be used on the first step of the conspirators/joint venturers exception to the hearsay rule, in proving the existence of a conspiracy/joint venture beyond a reasonable doubt - Whether the Court of Appeal erred in ruling that the trial judge's instruction to the jury regarding probable membership of the accused in the joint venture was appropriate.

---

**24556**                    **SOCIETY FOR MANITOBANS WITH DISABILITIES INC. v. HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF MANITOBA** (Man.)

CORAM:                La Forest, Cory and Major JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.



**NATURE OF THE CASE**

Property law - Leases - Interpretation - Interpretation of phrase in lease "replacement value to the lessee" - Whether special considerations apply to the interpretation on non-commercial agreements such as should the Court consider the special nature of the relationship between the parties and the purpose of the agreement - To what extent should principles of interpretation applicable to commercial agreements apply to non-commercial agreements - What is the meaning of the phrase "replacement value" - Whether the Court of Appeal's decision conflict with other decisions in which that phrase has been interpreted - What weight should a Court give to a party's stated position as an indication of that party's intention.

---

**24578**            **TIMOTHY ROBERT REES v. HER MAJESTY THE QUEEN** (Crim.)(Ont.)

CORAM:        La Forest, Cory and Major JJ.

The application for an extension of time is granted and the application for leave to appeal is dismissed.

La demande de prorogation de délai est accordée et la demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Criminal law - Evidence - *Canadian Charter of Rights and Freedoms* - Trial - Procedural law - Police - Right to free and immediate legal assistance - Section 10(b) of the *Charter* - Consciousness of guilt - Adequacy and correctness of jury instructions - Whether the Court of Appeal erred in refusing the Applicant leave to raise the issues of whether his rights under s. 10(b) of the *Canadian Charter of Rights and Freedoms* had been infringed and, if his rights were infringed, whether his statements should be excluded under s. 24(2) of the *Charter* - Whether the trial Judge erred in failing to instruct the jury on consciousness of guilt in relation to the applicant's suicide attempt.

---

**24590**            **PAB CHETTY v. BURLINGHAM ASSOCIATES INC. and THE ROYAL BANK OF CANADA**  
(Sask.)

CORAM:        La Forest, Cory and Major JJ.

The application for leave to appeal is dismissed with costs.

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

**NATURE OF THE CASE**

Commercial law - Bankruptcy - Statutes - Interpretation - Whether the Court of Appeal erred in law in concluding that personal service contracts are "property" of the bankrupt under the *Bankruptcy and Insolvency Act* - Whether the Court of Appeal erred in not concluding the fees were post-bankruptcy earnings of a self-employed individual - If the subject fees are property, whether the Court of Appeal erred in awarding the full amount of fees and disbursements to the trustee instead of valuing the property at the date of bankruptcy - Whether the Court of Appeal erred in failing to consider and to hold that the security interest of the Royal Bank did not attach to the contingency fees as the Applicant was now released from all claims provable in bankruptcy.

---

**24591**            **JOSEPH DUNDAS v. HER MAJESTY THE QUEEN** (F.C.A.)

CORAM:        La Forest, Cory and Major JJ.

The application for leave to appeal is dismissed with costs.

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

**NATURE OF THE CASE**

Procedural law - Trial - Appeal - Taxation - Assessment - Courts - Evidence - Income tax assessment - Role of trial judge and appellate courts where agreed statement of facts.

---

**24589**            **RHIANNON ANN HAISMAN v. MARTIN DANIEL HAISMAN** (Alta.)

CORAM:        La Forest, Cory and Major JJ.

The application for an extension of time is granted and the application for leave to appeal is dismissed.

La demande de prorogation de délai est accordée et la demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Family law - Maintenance - Judgments and orders - Creditor & debtor - Interest - Divorce - Statutes - Support order - Calculation of interest on arrears - Whether an order for corollary relief pursuant to s. 15(2) of the *Divorce Act* is a final judgment such that post-judgment interest can be awarded on default of each payment, even though an application to vary the award may be made retroactively pursuant to s. 17 or a court-ordered debt such that pre-judgment interest can be awarded pursuant to s. 15 of the *Judicature Act* - Whether an order to vary a corollary relief order pursuant to s. 17 of the *Divorce Act* is a final judgment or an order analogous to a writ of execution - Whether the Court of Appeal erred in awarding post-judgment interest under the *Interest Act* to the award of arrears of support and in holding that s. 15 of the *Judicature Act* was not applicable to judgments dealing with arrears of support.

---

**24605**            **DR. KENNETH B. SHEPHARD v. THE COLCHESTER REGIONAL HOSPITAL COMMISSION** (N.S.)

CORAM:        La Forest, Cory and Major JJ.

The application for leave to appeal is dismissed with costs.

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

**NATURE OF THE CASE**

Labour law - Physicians and surgeons - Administrative law - Remedies - Three suspensions and non-renewal of hospital privileges - Whether Court of Appeal erred in law when it determined that it was within the power of a Hospital Board comprised of lay persons to make determinations relating to a physician's competence that were contrary to the findings of both the Medical Advisory Committee and the Credentials Committee - Whether the Court of Appeal erred when it concluded the relationship between the Applicant as a member of the medical staff and the Hospital was not of a contractual or quasi-contractual nature - Whether the Court of Appeal erred in determining that a competency review program was available to the Applicant, a finding contrary to the finding of fact of the trial judge.

---

**24593**            **MORGAN SMITH, BY HIS MOTHER AND NEXT FRIEND, ELSIE SMITH v. LINDA HOWE**  
(Alta.)

CORAM:        La Forest, Cory and Major JJ.

The application for an extension of time is granted and the application for leave to appeal is dismissed with costs.

La demande de prorogation de délai est accordée et la demande d'autorisation d'appel est rejetée avec dépens.

**NATURE OF THE CASE**

Procedural law - Actions - Striking out for delay - Waiver of delay - Applicant bringing separate actions against Respondent and medical personnel for damages suffered as a result of a motor vehicle accident and subsequent treatment - Actions ordered to be tried successively, with common argument - Respondent and Defendants to malpractice bringing motion to dismiss for delay - Motion granted in malpractice suit but not in negligence suit - Court of Appeal holding that finding of prejudice in one action applied to other action - Whether Respondent or Defendants to malpractice action waived Applicant's delay - Did Defendants suffer greater prejudice than Respondent because of delay?

---

**24569**            **ROSE DUBUC v. THE WORKERS COMPENSATION BOARD (MANITOBA)** (Man.)

CORAM:            La Forest, Cory and Major JJ.

The application for leave to appeal is dismissed with costs.

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

**NATURE OF THE CASE**

Administrative law - Judicial review - Workers Compensation Board - Appeal Commission rejecting opinion of medical review panel - Whether the Court of Appeal erred when it failed to hold that the findings of fact made by the Appeal Commission were unsustainable on a reasonable interpretation of the evidence - Whether the present caselaw does not adequately define the test for determining, on judicial review, whether findings of fact by a specialized tribunal are patently unreasonable - Whether it is in the public interest for the Supreme Court of Canada to provide direction to the courts exercising supervisory jurisdiction, when to find it patently unreasonable for a tribunal to reject expert medical opinion where that medical opinion is not binding on the tribunal.

---

**24665**            **FREEMAN DANIEL MacNEIL v. HER MAJESTY THE QUEEN** (Crim.)(N.S.)

CORAM:            La Forest, Cory and Major JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Criminal law - Evidence - Pre-trial Procedure - Canadian Charter of Rights - Causation - Sentencing - Whether the Court of Appeal had erred in upholding the admission into evidence of the statements attributed to the Applicant on May 16, 1992 and May 18, 1992 and in particular upholding the trial judge's ruling that these statements were made freely and voluntarily, were the product of an operating mind and were not in breach of ss. 7 and 11 of the *Charter* - Whether the Court of Appeal erred in upholding the trial judge's direction to the jury on the application of s. 21 and 279(2) of the *Criminal Code* to the charge of first degree murder pursuant to s. 231(5) of the *Code* of the death of Neil Burroughs - Whether the Court of Appeal erred in accepting the trial judge's direction on the element of causation and non-direction on the concept of "intervening act" as correct in light of the decision in *R. v. Harbottle* [1993] 3 S.C.R. 306 - Whether the Court of Appeal erred in upholding the maximum parole ineligibility period with respect to the Applicant's conviction for second degree murder of James Fagan.

---

**24614**            **RICHARD W.O. MORIN v. BOARD OF SCHOOL TRUSTEES OF REGIONAL ADMINISTRATION UNIT NO. 3** (P.E.I.)

CORAM:            La Forest, Cory and Major JJ.

The application for leave to appeal is dismissed with costs.

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

**NATURE OF THE CASE**

Labour law - Collective Agreements - Contracts - Jurisdiction - Civil Procedure - Whether the collective agreement applied - Whether there was a collateral contract - Whether the lower courts erred in determining they did not have the jurisdiction to adjudicate the issues relating to the employment contract - Whether the lower courts erred in striking those paragraphs of the statement of claim that were not *Charter* related.

---

**24621**            **HER MAJESTY THE QUEEN v. MICHAEL GERARD GILLIS** (Crim.)(N.B.)

CORAM:            La Forest, Cory and Major JJ.

The application for an extension of time is granted and the application for leave to appeal is dismissed.

La demande de prorogation de délai est accordée et la demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

*Canadian Charter of Rights and Freedoms* - Search and seizure - Customs - Evidence - Unreasonable search - Admissibility of evidence - Bringing administration into disrepute - Persons crossing unmanned international borders - Expectation of privacy - Whether a motor vehicle search made by R.C.M.P. officers five hours after and approximately 40 to 50 minutes from the arrest of the Respondent and seizure of the vehicles can be justified as a "border search" under the provisions of the *Customs Act*, R.S.C., 1985 (2nd Supp.) c. 1 - Whether the administration of justice would be brought into disrepute by the admission of the evidence at trial contrary to section 24(2) of the *Charter* and the evidence ought to therefore be excluded.

---

**24644**            **ALTA SURETY COMPANY v. ARNOLDIN CONSTRUCTION AND FORMS LTD.** (N.S.)

CORAM:            La Forest, Cory and Major JJ.

The application for leave to appeal is dismissed with costs.

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

**NATURE OF THE CASE**

Commercial law - Contracts - Guarantee/Suretyship - Subcontract providing that payment would be made when payment was received - Did Court of Appeal correctly interpret term of contract - Whether Court of Appeal of Nova Scotia erred in its interpretation of the payment clause in finding that the clause did not impose a condition precedent to payment but rather stipulated a time for payment, contrary to the principles of law governing the interpretation of contracts.

---

**24658**            **MELVIN ELGERSMA, CAROL ELGERSMA and GARDEN FARMS LTD. v. THE MINISTER OF AGRICULTURE FOR CANADA** (F.C.A.)

CORAM:            La Forest, Cory and Major JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Administrative Law - Statutes - Judicial Review - Jurisdiction - Prerogative writs - Interpretation - Subsection 43(c) of the *Interpretation Act*, R.S.C. 1985, c. I-21 - What is the meaning of "accruing" rights in subsection 43(c) of the

---

*Interpretation Act* - Whether the Applicants are entitled to compensation under the repealed *Animal Disease and Protection Act*, R.S.C. 1985, c. A-11 on the grounds their right to compensation accrued under that Act.

---

**24756**            **KENNETH SATOSI TAGUCHI, KENNETH SATOSI TAGUCHI AS ADMINISTRATOR OF THE ESTATE OF PATRICIA CHRISTINE TAGUCHI, DECEASED, EDGAR GEORGE SISSONS, KRISZTINA TELL-SISSONS, CHARLES PATRICK CATT, CHARLES PATRICK CATT AS EXECUTOR OF THE ESTATE OF GRACE EMIKO CATT, DECEASED, JENNIFER HISAE CATT, AN INFANT, BY HER NEXT FRIEND CHARLES PATRICK CATT, DOUGLAS TAKAHASHI CATT, AN INFANT, BY HIS NEXT FRIEND CHARLES PATRICK CATT, TOMSTU TSUKISHIMA and KEIKO TSUKISHIMA V. MIKE STUPARYK**  
(Alta.)

CORAM:            La Forest, Cory and Major JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Torts - Damages - Assessment - Loss of future housekeeping services - Whether the majority Court erred in interfering with the award made by the trial judge to the Applicants for the future loss of housekeeping services given the weight of evidence before the Court and his trial judge's findings of fact and conclusion - Whether this Court should address the issue concerning the economic value of the loss of housekeeping services, particularly the managerial component arising from fatal accident and serious personal injury claims and provide guidelines to assist the lower Courts in assessing these services.

---

**24727**            **ANDREAS ROKANAS and ELPIS RENOVATIONS LTD. v. JOHN DOE and INSURANCE CORPORATION OF BRITISH COLUMBIA** (B.C.)

CORAM:            La Forest, Cory and Major JJ.

The application for leave to appeal is dismissed with costs.

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

**NATURE OF THE CASE**

Torts - Evidence - Negligence - Appeal - Judgments and orders - Damages - Evidence of doctor as to pain suffered by plaintiff in action - Whether medical person must be certified by a board in order to give expert evidence - Relevance of expert evidence on issue of pain to causation - Should Court of Appeal have come to final conclusion with respect to trial judge error?

---

**24749**            **LIONEL PAINCHAUD v. YORKTON SECURITIES INC., JOHN BUSKELL, YORKTON CONTINENTAL SECURITIES INC.** (Alta.)

CORAM:            La Forest, Cory and Major JJ.

The application for leave to appeal is dismissed with costs.

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

**NATURE OF THE CASE**

Torts - Negligence - Securities - Stockbrokers - Whether a commodity futures trader is required to determine from a client when opening an account in which advice is intended to be given by the trader, what a client's risk capital is, assuming that the term "risk capital" is that portion of a client's liquid capital that the client is prepared to risk trading in the account, in order to meet the standard of conduct as set out in the Know Your Client rule, the cardinal rule in the industry.

---

**24657**                    **JOZEF BECKEI -and- HER MAJESTY THE QUEEN** (Crim.)(Alta)

CORAM:                L'Heureux-Dubé, Sopinka and McLachlin JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Criminal law - Evidence - Canadian Charter of Rights - Whether count 1 of the indictment should have been quashed as insufficient - Whether the proceedings should have been stayed as an infringement of ss. 7 and 11(d) of the *Charter* - Whether the trial judge was in error in refusing to qualify the Defence psychologist to give opinion evidence in the circumstances of this case - Whether the trial judge made serious errors in relation to the admissibility of evidence - Whether the trial judge made errors in her charge that could have affected the deliberations of the jury to the detriment of the Applicant.

---

**24714**                    **JACK E. UKRAINETZ -and- HER MAJESTY THE QUEEN** (Crim.)(Sask.)

CORAM:                L'Heureux-Dubé, Sopinka and McLachlin JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

**NATURE OF THE CASE**

Criminal law - Trial - Sentencing - Statutes - Interpretation - Whether the trial judge erred in not inquiring into the propriety of trying the Applicant on all 64 counts listed in the information - Whether the Court of Appeal erred in concluding the sentencing provisions of the *Criminal Code* apply to prosecutions under the *Tax Rebate Discounting Act* by virtue of s. 34(2) of the *Interpretation Act* - Whether the Court of Appeal erred in concluding the sentence imposed in this case was lawful.

---

**24134/24135**                    **DAVID JOHN COOPER and NOEL EDWIN BELL v. CANADIAN HUMAN RIGHTS COMMISSION** (F.C.A.)

CORAM:                La Forest, Sopinka and Gonthier JJ.

The application for reconsideration of the applications for leave to appeal is dismissed but the applicant, Canadian Airlines International Ltd., is granted party status in the appeals, limited to the issues raised by the other parties.

La demande de réexamen des demandes d'autorisation d'appel de pourvoi est rejetée, mais la qualité de partie dans les pourvois est accordée à la requérante, les Lignes aériennes Canadien International Ltée, en ce qui concerne seulement les questions soulevées par les autres parties.

24.8.1995

Before / Devant: SOPINKA J.

---

**Motion to extend the time in which to apply for  
leave to appeal**

**Requête en prorogation du délai pour obtenir  
l'autorisation d'appel**

Ascenza Scamolla et al.

v. (24828)

Tenax Ltd. et al. (Ont.)

**GRANTED / ACCORDÉE** Time extended to August 8, 1995.

---

25.8.1995

Before / Devant: CHIEF JUSTICE LAMER



---

**Motion for an order that this appeal is to be not  
deemed abandoned**

Kevin Hawkins

v. (24633)

Her Majesty The Queen (Ont.)

**GRANTED / ACCORDÉE**

**Requête en déclaration que le présent appel est  
censé ne pas avoir été abandonné**

With the consent of the parties.

---

25.8.1995

Before / Devant: CORY J.

---

**Motion to extend the time in which to file the appellant's factum**

**Requête en prorogation du délai de dépôt du mémoire de l'appelant**

Fred Harvey

With the consent of the parties.

v. (23968)

Attorney General for New Brunswick et al. (N.B.)

**GRANTED / ACCORDÉE** Time extended to September 30, 1995.

---

25.8.1995

Before / Devant: THE DEPUTY REGISTRAR

---

**Motion to extend the time in which to file the  
respondent's factum**

Ernest John Rogalsky et al.

v. (24489)

Her Majesty The Queen (Sask.)

**Requête en prorogation du délai du mémoire de  
l'intimée**

With the consent of the parties.

**GRANTED / ACCORDÉE** Time extended to August 17, 1995.

---

28.8.1995

Before / Devant: CHIEF JUSTICE LAMER

---

**Motion for an order that this appeal is to be not deemed abandoned**

Robert Scott Terry

v. (24335)

Her Majesty The Queen (B.C.)

**GRANTED / ACCORDÉE**

**Requête en déclaration que le présent appel est censé ne pas avoir été abandonné**

With the consent of the parties.

---

28.8.1995

Before / Devant: CHIEF JUSTICE LAMER

---

**Motion to extend the time in which to file the case  
on appeal**

Robert Scott Terry

v. (24335)

Her Majesty The Queen (B.C.)

**Requête en prorogation du délai de dépôt du  
dossier d'appel**

With the consent of the parties.

**GRANTED / ACCORDÉE** Time extended to July 31, 1995.

---

28.8.1995

Before / Devant: CHIEF JUSTICE LAMER

---

**Motion for a special place on the list**

Robert Scott Terry

v. (24335)

Her Majesty The Queen (B.C.)

**DISMISSED / REJETÉE**

**Requête en obtention d'une place spéciale sur le rôle**

With the consent of the parties.

---

28.8.1995

Before / Devant: CHIEF JUSTICE LAMER

---

**Motion to vary deadlines set by the Chief Justice  
on July 11, 1994****Requête en modification des dates limites fixées  
par le Juge en chef le 11 juillet 1994**

Delgamuukw et al.

v. (23799)

Attorney General of Canada et al. (B.C.)

**GRANTED / ACCORDÉE**

It is ordered:

1. that applications to intervene are to be heard on March 15, 1996;
  2. that the appeal case be filed by March 15, 1996;
  3. that the appellants' factum be filed by April 30, 1996;
  4. that the Provinces' factum on cross-appeal be filed by July 31, 1996;
  5. that all other filing deadlines be spoken to and settled by the Court at a later date.
-

---

30.8.1995

Before / Devant: CHIEF JUSTICE LAMER

**Motion to state a constitutional question**

**Requête pour énoncer une question  
constitutionnelle**

Her Majesty The Queen

v. (24582)

Réjean Richard et al. (N.B.)

**GRANTED / ACCORDÉE**



1. Does the procedure established by s. 16 of the *Provincial Offences Procedures Act*, R.S.N.B. c. P-22.1, offend s. 11(d) of the *Canadian Charter of Rights and Freedoms* as it relates to the prosecution of offences under the *Motor Vehicle Act*, R.S.N.B. 1973, c. M-17?

2. If the answer to question 1 is yes, is the procedure justified under s. 1 of the *Canadian Charter of Rights and Freedoms*?

1. La procédure établie par l'art. 16 de la *Loi sur la procédure applicable aux infractions provinciales*, L.R.N.-B., ch. P-22.1, contrevient-elle à la *Charte canadienne des droits et libertés* dans la mesure où elle se rapporte à la poursuite des infractions prévues dans la *Loi sur les véhicules à moteur*, L.R.N.-B. 1973, ch. M-17?

2. Si la réponse à la première question est affirmative, la procédure est-elle justifiée en vertu de l'article premier de la *Charte canadienne des droits et libertés*?

---

31.8.1995

Before / Devant: SOPINKA J.

---

**Motion to extend the time in which to file the appellant's factum**

**Requête en prorogation du délai de dépôt du mémoire de l'appelant**

Mark Donald Benner

With the consent of the parties.

v. (23811)

The Secretary of State of Canada et al. (B.C.)

**GRANTED / ACCORDÉE** Time extended to September 29, 1995.

---

---

1.9.1995

Before / Devant: CHIEF JUSTICE LAMER

**Motion to extend the time in which to file the case on appeal and the appellant's factum**

**Requête en prorogation du délai de dépôt du dossier d'appel et du mémoire de l'appelante**

Her Majesty The Queen

With the consent of the parties.

v. (24732)

Falah Saleh Majid (Sask.)

**GRANTED / ACCORDÉE** The time for serving and filing the case on appeal is extended to Oct. 16, 1995 and to Nov. 17, 1995 for the appellant's factum.

---

1.9.1995

Before / Devant: CHIEF JUSTICE LAMER

**Motion for an order that this appeal is to be not deemed abandoned**

**Requête en déclaration que le présent appel est censé ne pas avoir été abandonné**

Her Majesty The Queen

With the consent of the parties.

v. (24732)

Falah Saleh Majid (Sask.)

**GRANTED / ACCORDÉE**

---

1.9.1995

Before / Devant: THE REGISTRAR

---

**Miscellaneous motion on appeal accepting the case  
on appeal without marginal numbering**

**Autre requête en appel visant à accepter le  
dossier d'appel sans numérotation dans la marge**

Mark Donald Benner

v. (23811)

The Secretary of State of Canada et al. (B.C.)

**GRANTED / ACCORDÉE**

---

6.9.1995

Before / Devant: IACOBUCCI J.

**Motion to extend the time in which to file an  
application for leave**

**Requête en prorogation du délai de dépôt de la  
demande d'autorisation**

Thomas Gill

v. (24177)

Claude A. Mulvena (Sask.)

**DISMISSED / REJETÉE**

---

6.9.1995

Before / Devant: CHIEF JUSTICE LAMER

**Motion for leave to intervene**

BY/PAR: Howard Pamajewon et al.

IN/DANS: NTC Smokehouse Ltd.

v. (23800 - 1-3-4)

Her Majesty The Queen (B.C.)

**Requête en autorisation d'intervention**

Heather Perkins-McVey, for the motion.

Henry S. Brown, Q.C., for the appellants.

Robert Frater, for the respondent.

**GRANTED / ACCORDÉE**

UPON APPLICATION by counsel on behalf of the Applicants, Howard Pamajewon and Roger Jones, and Arnold Gardner, Jack Pitchenese and Allan Gardner, for an order granting leave to intervene in the within appeals, to file a joint factum of 25 pages and to make a 15 minute oral submission during the hearing of these appeals, and for an order extending the time for this application;

AND HAVING read the material filed and heard the submissions of the parties;

IT IS HEREBY ORDERED THAT:

The motion for leave to intervene is granted. All other matters are referred to Justice McLachlin for determination.

---

---

7.9.1995

Before / Devant: THE REGISTRAR

**Motion to extend the time in which to file the  
respondent's factum**

**Requête en prorogation du délai de dépôt du  
mémoire de l'intimée**

Royal Bank of Canada

With the consent of the parties.

v. (24316)

North American Life Assurance Co. et al. (Sask.)

**GRANTED / ACCORDÉE** Time extended to September 30, 1995.

---

8.9.1995

Before / Devant: LE JUGE IACOBUCCI

---

**Requête en prorogation du délai de dépôt de la  
demande d'autorisation d'appel****Motion to extend the time in which to file an  
application for leave to appeal**

Télé-Métropole International Inc. et al.

c. (24848)

La Banque Mercantile du Canada et al. (Qué.)

**ACCORDÉE / GRANTED**

La requête en prorogation de délai de dépôt de la demande d'autorisation d'appel est accordée et le délai de dépôt de la demande d'autorisation est prorogé d'au plus 30 jours de la date du jugement de la Cour d'appel du Québec sur la requête en rectification.

---

12.9.1995

Before / Devant: LE JUGE EN CHEF LAMER



---

**Requête pour énoncer une question  
constitutionnelle**

**Motion to state a constitutional question**

Centre communautaire juridique de l'Estrie

c. (24425)

La Ville de Sherbrooke et al. (Qué.)

**REJETÉE / DISMISSED**

---

12.9.1995

Before / Devant: LE JUGE EN CHEF LAMER

**Requête en jonction ou substitution de parties**

Centre communautaire juridique de l'Estrie

c. (24425)

La Ville de Sherbrooke et al. (Qué.)

**Motion to add or to substitute parties**

Francis Meloche & Bruno Meloche pour l'appelant.

Jean-Yves Bernard pour le P.G. du Québec et la  
Commission municipale du Québec.

Pierre Huard, pour la ville de Sherbrooke.

**GRANTED / ACCORDÉE** La requête de la part du Procureur général du Québec pour obtenir une ordonnance l'autorisant à agir en qualité d'intimé est accordée.

---

13.9.1995

Before / Devant: CHIEF JUSTICE LAMER

---

**Motion for an order that this appeal is to be not  
deemed abandoned**

Leo Donald R. et al.

v. (24766)

Her Majesty The Queen (Sask.)

**GRANTED / ACCORDÉE**

**Requête en déclaration que le présent appel est  
censé ne pas avoir été abandonné**

With the consent of the parties.

---

13.9.1995

Before / Devant: CHIEF JUSTICE LAMER

**Motion to extend the time in which to file the case on appeal and the appellants' factum**

Leo Donald R. et al.

v. (24766)

Her Majesty The Queen (Sask.)

**Requête en prorogation du délai de dépôt du dossier d'appel et du mémoire des appelants**

With the consent of the parties.

**GRANTED / ACCORDÉE** Time extended to October 31, 1995.

13.19.1995

Before / Devant: CHIEF JUSTICE LAMER

**Motion to extend the time in which to file the case on appeal and the appellant's factum**

John Seymour

v. (24642)

Her Majesty The Queen (B.C.)

**Requête en prorogation du délai de dépôt du dossier d'appel et du mémoire de l'appelant**

With the consent of the parties.

**GRANTED / ACCORDÉE** Time extended to October 31, 1995.

13.19.1995

Before / Devant: CHIEF JUSTICE LAMER

**Motion for an order that this appeal is to be not deemed abandoned**

John Seymour

v. (24642)

Her Majesty The Queen (B.C.)

**Requête en déclaration que le présent appel est censé ne pas avoir été abandonné**

With the consent of the parties.

**GRANTED / ACCORDÉE**

**NOTICES OF APPEAL FILED SINCE  
LAST ISSUE**

---

24.8.1995

**Procureur général du Québec**

**c. (24625)**

**Jocelyn Guimond (Qué.)**

---

25.8.1995

**Robert Wright**

**v. (24839)**

**Her Majesty The Queen (Crim.)(Ont.)**

**AS OF RIGHT**

---

25.8.1995

**Sale Maurice Hebert**

**v. (24840)**

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

**AS OF RIGHT**

---

17.8.1995

**Gérard Martin**

**c. (24844 - 847)**

**Paul André Beaudry et al. (Qué.)**

**DE PLEIN DROIT**

---

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

---

11.9.1995

**Commission scolaire Jérôme Le Royer**

**c. (24620)**

**Syndicat des enseignants et des enseignantes de  
Le Royer et al. (Qué.)**

---

12.9.1995

**Hardip Singh Rarru**

**v. (24865)**

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

**AS OF RIGHT**

---

**NOTICES OF INTERVENTION FILED  
SINCE LAST ISSUE**

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

---

BY/PAR: Attorney General of Manitoba  
Attorney General of Saskatchewan  
Attorney General of Canada  
Attorney General of Alberta

IN/DANS: **Howard Pamajewon et al.**  
v. (24596)  
**Her Majesty The Queen**  
**and between**  
**Arnold Gardner et al.**  
v.  
**Her Majesty The Queen (Crim.)(Ont.)**

---

BY/PAR: Canadian Bar Association - Ontario

IN/DANS: **Philip Keith Fire et al.**  
v. (24148)  
**Georges-André Longtin et al. (Ont.)**

---

**NOTICES OF DISCONTINUANCE  
FILED SINCE LAST ISSUE**

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

---

30.8.1995

**The Ministry of Labour for the Province of  
Ontario et al.**

v. (24711)

**Zittreer, Siblin & Assoc. Inc. (Ont.)**

(motion)

---

7.9.1995

**The County of Strathcona No. 20**

v. (24780)

**Alberta Assessment Appeal Board et al. (Alta.)**

(motion)

---



The next session of the Supreme Court of Canada commences on October 2, 1995. /  
La prochaine session de la Cour suprême du Canada débute le 2 octobre 1995.

**The next bulletin of proceedings will be published September 29, 1995. /  
Le prochain bulletin des procédures sera publié le 29 septembre 1995.**

---

**DEADLINES: MOTIONS**

**DÉLAIS: REQUÊTES**

---

**BEFORE THE COURT:**

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

**Motion day** : **October 2, 1995**  
Service : September 11, 1995  
Filing : September 18, 1995  
Respondent : September 25, 1995

**Motion day** : **November 6, 1995**  
Service : October 16, 1995  
Filing : October 23, 1995  
Respondent : October 30, 1995

**Motion day** : **December 4, 1995**  
Service : November 13, 1995  
Filing : November 20, 1995  
Respondent : November 27, 1995

---

**DÉVANT LA COUR:**

Conformément à l'article 23.1 des *Règles de la Cour suprême du Canada*, les délais suivants doivent être respectés pour qu'une requête soit entendue par la Cour :

**Audience du** : **2 octobre 1995**  
Signification : 11 septembre 1995  
Dépôt : 18 septembre 1995  
Intimé : 25 septembre 1995

**Audience du** : **6 novembre 1995**  
Signification : 16 octobre 1995  
Dépôt : 23 octobre 1995  
Intimé : 30 octobre 1995

**Audience du** : **4 décembre 1995**  
Signification : 13 novembre 1995  
Dépôt : 20 novembre 1995  
Intimé : 27 novembre 1995

## DEADLINES: APPEALS

The fall session of the Supreme Court of Canada will commence October 2, 1995.

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

**Case on appeal** must be filed within three months of the filing of the notice of appeal.

**Appellant's factum** must be filed within four months of the filing of the notice of appeal. For appeals in which the notice of appeal was filed before July 26, 1995, the factum must be filed within five months.

**Respondent's factum** must be filed within eight weeks of the date of service of the appellant's factum.

**Intervener's factum** must be filed within four weeks of the date of service of the respondent's factum. For appeals in which the notice of appeal was filed before July 26, 1995, the factum must be filed within two weeks.

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

The Registrar shall enter on a list all appeals inscribed for hearing at the October 1995 session August 8 1995.

## DÉLAIS: APPELS

La session d'automne de la Cour suprême du Canada commencera le 2 octobre 1995.

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

**Le dossier d'appel** doit être déposé dans les trois mois du dépôt de l'avis d'appel.

**Le mémoire de l'appellant** doit être déposé dans les quatre mois du dépôt de l'avis d'appel. Pour les appels dont l'avis d'appel a été déposé avant le 26 juillet 1995, le mémoire doit être déposé dans les cinq mois.

**Le mémoire de l'intimé** doit être déposé dans les huit semaines suivant la signification de celui de l'appellant.

**Le mémoire de l'intervenant** doit être déposé dans les quatre semaines suivant la signification de celui de l'intimé. Pour les appels dont l'avis d'appel a été déposé avant le 26 juillet 1995, le mémoire doit être déposé dans les deux semaines.

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

Le 8 août 1995, le registraire mettra au rôle de la session d'octobre 1995 tous les appels inscrits pour audition.



**THE STYLES OF CAUSE IN THE PRESENT  
TABLE ARE THE STANDARDIZED STYLES  
OF CAUSE (AS EXPRESSED UNDER THE  
"INDEXED AS" ENTRY IN EACH CASE).**

**LES INTITULÉS UTILISÉS DANS CETTE  
TABLE SONT LES INTITULÉS NORMALISÉS  
DE LA RUBRIQUE "RÉPERTORIÉ" DANS  
CHAQUE ARRÊT.**

**Judgments reported in [1995] 2 S.C.R., Part 2**

Mitsui & Co. (Canada) Ltd. v. Royal Bank of  
Canada, [1995] 2 S.C.R. 187

R. v. Burlingham, [1995] 2 S.C.R. 206

R. v. Silveira, [1995] 2 S.C.R. 297

**Jugements publiés dans [1995] 2 R.C.S., partie 2**

Mitsui & Co. (Canada) Ltd. c. Banque Royale du  
Canada, [1995] 2 R.C.S. 187

R. c. Burlingham, [1995] 2 R.C.S. 206

R. c. Silveira, [1995] 2 R.C.S. 297

---