

**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 de la 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 de la 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 \$200 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 200 \$ 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 à la registraire, accompagnée de 10 \$ par exemplaire. Le paiement doit être fait à l'ordre du Receveur général du Canada.*

## CONTENTS

## TABLE DES MATIÈRES

---

Applications for leave to appeal filed	1063	Demandes d'autorisation d'appel déposées
Applications for leave submitted to Court since last issue	1064	Demandes soumises à la Cour depuis la dernière parution
Motions	1065 - 1070	Requêtes
Notices of appeal filed since last issue	1071	Avis d'appel déposés depuis la dernière parution
Rehearing	1072	Nouvelle audition

---

**APPLICATIONS FOR LEAVE TO  
APPEAL FILED**

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

---

**E.H.**

Paul Burstein  
Burstein, Unger

v. (31019)

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

Renee M. Pomerance  
A.G. of Ontario

FILING DATE: 26.07.2005

---

---

**JULY 29, 2005 / LE 29 JUILLET 2005**

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

1. *Andrew E. Clark v. Gaetan Gauvin* (N.B.) (Civil) (By Leave) (31000)
- 

**AUGUST 8, 2005 / LE 8 AOÛT 2005**

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

1. *(Jose) Raul Monter Ortega, et al. v. Attorney General of Canada on behalf of the United Mexican States, et al.* (B.C.) (Crim.) (By Leave) (30998)
2. *Eric Justin Sinclair v. Her Majesty the Queen* (Man.) (Crim.) (By Leave) (30969)
3. *Audie Prevost, et al. v. Saskatchewan Government Insurance* (Sask.) (Civil) (By Leave) (30895)

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

4. *Inco Limited v. Her Majesty the Queen* (F.C.) (Civil) (By Leave) (30989)
5. *Toronto Blue Jays Baseball Club, et al. v. Minister of Finance* (Ont.) (Civil) (By Leave) (30886)

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

6. *Iolanda Zompa v. University of Montreal, et al.* (Que.) (Civil) (By Leave) (30891)
  7. *Yolette Sincère c. Procureur général du Canada* (CF) (Civile) (Autorisation) (30953)
  8. *Michael Seifert v. Minister of Citizenship and Immigration* (F.C.) (Civil) (By Leave) (30937)
-

---

15.07.2005

Before / Devant: BASTARACHE J.

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

**Requête en prorogation du délai de signification et de dépôt des mémoire et recueil de sources de l'intimée**

Ivan Morris, et al.

v. (30328)

Her Majesty the Queen (B.C.)

**GRANTED / ACCORDÉE**

Time extended to July 19, 2005.

---

20.07.2005

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 de signification et de dépôt des dossier, mémoire et recueil de sources de l'appelante**

Her Majesty the Queen

v. (30857)

Ramnarine Khelawon (Crim.) (Ont.)

**GRANTED / ACCORDÉE**

Time extended to August 29, 2005.

---

21.07.2005

Before / Devant: THE REGISTRAR

**Motion to file a joint appellants' record**

**Requête des appelantes en vue de déposer un dossier conjoint**

Heather Robertson

v. (30644)

Thomson Corporation, et al.

- and between -

Thomson Corporation, et al.

v. (30644)

Heather Robertson (Ont.)

---

**GRANTED / ACCORDÉE**

The motion to file a joint appellants' record which includes documents that exceed the paper size requirement provided by Rule 21 is granted.

---

21.07.2005

Before / Devant: FISH J.

**Motion to extend the time in which to serve and file the application for leave to appeal**

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

Jacques Nault

c. (30722)

Commission de la fonction publique du Canada et autre  
(C.F.)

**GRANTED / ACCORDÉE**

**À LA SUITE D'UNE DEMANDE** du demandeur visant à proroger, conformément à la Règle 64, le délai imparti pour signifier et déposer une demande d'autorisation d'appel;

**ET APRÈS AVOIR PRIS CONNAISSANCE** de la documentation déposée;

**IL EST PAR LA PRÉSENTE ORDONNÉ CE QUI SUIT:**

La demande de prorogation de délai pour déposer et signifier la demande d'autorisation d'appel est accordée jusqu'au 22 août 2005.

---

---

21.07.2005

Before / Devant: FISH J.

**Motion for leave to intervene in the application for leave to appeal**

**Requête en autorisation d'intervenir dans la demande d'autorisation d'appel**

BY / PAR: Canadian Generic Pharmaceutical Association

IN / DANS: Apotex Inc.

v. (30985)

Astrazeneca Canada Inc., et al.

- and between -

Apotex Inc.

v. (30985)

Astrazeneca Canada Inc., et al. (F.C.)

**DISMISSED / REJETÉE**

**UPON APPLICATION** by Canadian Generic Pharmaceutical Association for leave to intervene in the above mentioned application for leave to appeal;

**AND HAVING READ** the material filed;

**IT IS HEREBY ORDERED THAT:**

The motion is dismissed without prejudice to the applicant's right to apply for leave to intervene in the appeal, in the usual manner, if the Court grants the application for leave to appeal.

---

25.07.2005

Before / Devant: BASTARACHE J.

**Motion to extend the time in which to serve and file the application for leave to appeal**

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

Donald B. Mosher

v. (31011)

Her Majesty the Queen in Right of Ontario (Ont.)

**DISMISSED / REJETÉE**

---

---

**UPON APPLICATION** by the applicant for an order extending the time to serve and file an application for leave to appeal from the judgment of the Court of Appeal for Ontario dated March 23, 2005;

**AND HAVING READ** the material filed;

**IT IS HEREBY ORDERED THAT:**

The motion for an extension the time to serve and file an application for leave to appeal is dismissed.

---

28.07.2005

Before / Devant: BASTARACHE J.

**Motion to extend the time in which to serve and file  
the application for leave to appeal**

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

Jack Vernon

v. (30888)

General Motors of Canada Limited, et al. (Ont.)

**GRANTED / ACCORDÉE**

**UPON APPLICATION** by the applicant for an order extending the time to serve and file an application for leave to appeal to two weeks following the release of the Court of Appeal for Ontario's decision on costs;

**AND HAVING READ** the material filed;

**IT IS HEREBY ORDERED THAT:**

The motion for an extension the time to serve and file an application for leave to appeal to two weeks following the release of the Court of Appeal for Ontario's decision on costs is granted.

---



29.07.2005

Before / Devant: THE REGISTRAR

**Motion to extend the time to serve and file the factum and book of authorities of the appellant Jason Daniel MacKay**

**Requête en prorogation du délai de signification et de dépôt des mémoire et recueil de sources de l'appellant Jason Daniel MacKay**

Her Majesty the Queen

v. (30557)

Jason Daniel MacKay

- and between -

Jason Daniel MacKay

v. (30557)

Her Majesty the Queen (N.B.)

**GRANTED / ACCORDÉE**

Time extended to July 12, 2005.

---

02.08.2005

Before / Devant: THE REGISTRAR

**Motion to extend the time to serve and file the joint appellants' record, their respective factums and books of authorities**

**Requête en prorogation du délai de signification et de dépôt du dossier conjoint des appelantes, et de leurs mémoires et recueils de sources respectifs**

Heather Robertson

v. (30644)

Thomson Corporation, et al.

- and between -

Thomson Corporation, et al.

v. (30644)

Heather Robertson (Ont.)

**GRANTED / ACCORDÉE**

**UPON APPLICATION** by the Appellants in both appeals for an order extending the time for the Appellants in both appeals to serve and file their Joint Appellants' Record and their respective facta and books of authorities to September 6, 2005;

**AND HAVING READ** the material filed;

---

---

**IT IS HEREBY ORDERED THAT:**

The motion is granted.

The Respondents in both appeals shall file their respective facta and book of authorities on or before October 24, 2005.

---

03.08.2005

Before / Devant: THE REGISTRAR

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

**Requête en prorogation du délai de signification et de dépôt des mémoire et recueil de sources de l'intervenant, le procureur général de l'Alberta**

Maribel Anaya Castillo

v. (30534)

Antonio Munoz Castillo (Alta.)

**GRANTED / ACCORDÉE**

Time extended to September 21, 2005.

---

27.07.2005

**Rita Graveline**

c. (31020)

**Sa Majesté la Reine (Qc)**

(De plein droit)

---

**AUGUST 4, 2005 / LE 4 AOÛT 2005**

**29272**            **Jacques Chaoulli et George Zeliotis c. Procureur général du Québec et Procureur général du Canada (Qc)**

Coram:            La juge en chef McLachlin et les juges Major, Bastarache, Binnie, LeBel, Deschamps et Fish

La requête en nouvelle audition partielle est accordée. Le jugement de la Cour est suspendu pour une période de 12 mois à compter du 9 juin 2005, date à laquelle ce jugement a été rendu.

The motion for a partial rehearing is granted. The Court's judgment is stayed for a period of 12 months from the date such judgment was issued, namely June 9, 2005.

---

SUPREME COURT OF CANADA SCHEDULE  
CALENDRIER DE LA COUR SUPREME

- 2005 -

public

24/11/2004

OCTOBER - OCTOBRE						
S D	M L	T M	W M	T J	F V	S S
						1
2	3	4	5	6	7	8
9	H 10	M 11				
16						
23 30	24 31					

NOVEMBER - NOVEMBRE						
S D	M L	T M	W M	T J	F V	S S
		1	2	3	4	5
6	M 7				H 11	12
13						
20						
27						

DECEMBER - DECEMBRE						
S D	M L	T M	W M	T J	F V	S S
				1	2	3
4	M 5	6	7	8	9	10
11						
18						
25	H 26	H 27				

- 2006 -

JANUARY - JANVIER						
S D	M L	T M	W M	T J	F V	S S
1	H 2	3	4	5	6	7
8	M 9	10	11	12	13	14
15						
22						
29						

FEBRUARY - FÉVRIER						
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						
19						
26						

MARCH - MARS						
S D	M L	T M	W M	T J	F V	S S
			1	2	3	4
5	6	7	8	9	10	11
12	M 13	14	15	16	17	18
19						
26						

APRIL - AVRIL						
S D	M L	T M	W M	T J	F V	S S
						1
2	3	4	5	6	7	8
9	M 10	11	12	13	H 14	15
16	H 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
R 7	M 8	9	10	11	12	13
14	H 15	16	17	18	19	20
21						
28						

JUNE - JUIN						
S D	M L	T M	W M	T J	F V	S S
				1	2	3
4	5	6	7	8	9	10
11	M 12	13	14	15	16	17
18						
25						

Sittings of the court:  
Séances de la cour:

Motions:  
Requêtes:

Holidays:  
Jours fériés:

18
M
H

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