

SUPREME COURT OF CANADA



COUR SUPRÊME DU CANADA

BULLETIN OF PROCEEDINGS

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BULLETIN DES PROCÉDURES

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**APPLICATIONS FOR LEAVE TO
APPEAL FILED**

Steven J. Fletcher

Sidney Green, Q.C.

v. (30788)

**Automobile Injury Compensation Appeal
Commission, et al. (Man.)**

David T. Gisser

Manitoba Department of Justice

FILING DATE: 04.02.2005

Her Majesty the Queen

Wendy L. Rubin

A.G. of British Columbia

v. (30779)

Harjit Singh Shoker (B.C.)

Garth Barriere

FILING DATE: 14.02.2005

Mohammad Reza Dadgar

Dominic Desjarlais

Lamarre, Linteau & Montcalm

c. (30783)

Sa Majesté la Reine (Qc)

Hélène Di Salvo

P.G. du Québec

DATE DE PRODUCTION: 14.02.2005

Hampstead Landcorp Ltd.

Brian P. Kaliel

Corbett, Smith, Bresee

v. (30790)

Carrington Holdings Ltd. (Alta.)

Richard H. Kennedy

Kennedy, Agrios

FILING DATE: 17.02.2005

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

T.C.

Christopher Hicks

Hicks, Block, Adams

v. (30791)

Her Majesty the Queen (Ont.)

Rosella M. Cornaviera

A.G. of Ontario

FILING DATE: 17.02.2005

Crane Canada Inc.

Guy Du Pont

Davies, Ward, Phillips & Vineberg

v. (30794)

**Sécurité Nationale, Compagnie d'assurance, et al.
(Que.)**

Frédéric Blanchette

Marchand, Melançon, Forget

FILING DATE: 18.02.2005

W.H. Stuart Mutuals Ltd.

Eric Fournie

Rogers, Campbell, Mickleborough

v. (30796)

London Guarantee Insurance Co. (Ont.)

Robert J. Howe

Davies, Howe, Partners

FILING DATE: 21.02.2005

Bryan R. Benson

Bryan R. Benson

v. (30798)

Canadian National Railway Company (Man.)

Daniel P. Ryall

Fillmore & Riley

FILING DATE: 22.02.2005

FEBRUARY 28, 2005 / LE 28 FÉVRIER 2005

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

Jacques Deschênes

c. (30637)

Sa Majesté la Reine (Crim.) (Qc)

NATURE DE LA CAUSE

Droit criminel - Retrait de plaider de culpabilité - La Cour d'appel a-t-elle erré en concluant que le tribunal de première instance avait bien exercé sa discrétion judiciaire d'accepter le plaider de culpabilité du demandeur?

HISTORIQUE DES PROCÉDURES

Le 26 mai 2003
Cour supérieure, Chambre criminelle et pénale
(Le juge Beaulieu)

Plaider de culpabilité du demandeur concernant
l'infraction de menace de causer la mort ou des lésions
corporelles

Le 24 juillet 2003
Cour d'appel du Québec
(Le juge Gendreau)

Requête en prorogation de délai accueillie et requête
pour permission d'en appeler rejetée

Le 10 septembre 2003
Cour d'appel du Québec
(Les juges Otis, Rochette et Morissette)

Requête en révision de la décision du juge Gendreau
accueillie et permission d'appel accordée

Le 30 septembre 2004
Cour d'appel du Québec
(Les juges Baudouin, Dussault et Rousseau-Houle)

Appel rejeté

Le 29 novembre 2004
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Jane Ceridwen Lloyd Miller

v. (30673)

The Government of British Columbia

- and between -

Jane Ceridwen Lloyd Miller

v. (30673)

The Government of British Columbia (B.C.)

NATURE OF THE CASE

Canadian Charter (civil) - Civil Rights - Torts - Damages - Detention - *Mental Health Act* - Woman with history of psychiatric illness detained under the *Mental Health Act* - Whether the Applicant's detention was made contrary to the provisions of the *Mental Health Act* of British Columbia - Whether Part 3 (22), (24), (25), (28), (31), (33) of the *Mental Health Act* of British Columbia contravenes the rights granted to citizens in sections 7, 8, 9, 10 and 15 of the *Canadian Charter of Rights and Freedoms*

PROCEDURAL HISTORY (First and Second Applications)

May 20, 2003
Supreme Court of British Columbia
(Kirkpatrick J.)

Applicant's Petition, Writ of Summons and Statement of Claim as against the Respondent struck

October 19, 2004
Court of Appeal for British Columbia
(Southin J.A.)

Applications to restore appeals to the active list dismissed

December 17, 2004
Supreme Court of Canada

Applications for leave to appeal filed

January 31, 2005
Supreme Court of Canada

Motion for extension of time filed

Régent Millette

c. (30667)

Rita Lefort Vigeant et Jean-Pierre Vigeant (Qc)

NATURE DE LA CAUSE

Droit commercial - Prêt - Intérêts - Recours - Prescription - Est-ce que le jugement de la Cour d'appel respecte la loi quant aux notions de la prescription et de la novation? - Est-ce que le jugement de la Cour d'appel respecte la loi quant au rôle de retenue sur une question de crédibilité des témoins, de la notion prévue à l'art. 2862 C.c.Q. et de la notion de « reconnaissance de dette »?

HISTORIQUE DES PROCÉDURES

Le 27 janvier 2004
Cour supérieure du Québec
(Le juge Normand)

Action du demandeur contre l'intimée pour
remboursement de prêts accueillie en partie; intimée
condamnée à verser au demandeur la somme de 90 000
\$ et la somme de 12 077\$; action contre l'intimé rejetée

Le 28 septembre 2004
Cour d'appel du Québec
(Les juges Rochon, Rayle et Hilton)

Appel du demandeur rejeté

Le 28 septembre 2004
Cour d'appel du Québec
(Les juges Rochon, Rayle et Hilton)

Appel de l'intimée accueilli en partie aux fins de rayer
du dispositif du jugement de première instance la
condamnation de l'intimée à verser la somme de
90 000\$

Le 29 novembre 2004
Cour suprême du Canada

Demande d'autorisation d'appel déposée

**Canadian Bearing Ltd., Farrokh Khailili, Hossein Banijamali and Canadian
Petroleum Processing & Equipment Inc.**

v. (30652)

Celanese Canada Inc., Celanese Ltd. (Ont.)

NATURE OF THE CASE

Procedural law - Actions- Barristers and solicitors - Solicitor and client privilege - *Anton Pillar* order - Motion to disqualify law firm from representing Respondents after documents, including privileged documents seized pursuant to an *Anton Pillar* order- Protection of solicitor-client privilege in the context of an *ex parte Anton Pillar* search, seizure and removal of documents and privileged electronic communications - Test which must be met in order to remove plaintiffs' counsel who have breached the defendants' privilege in the execution of an *ex parte Anton Pillar* order - Proper procedure in the *Anton Pillar* process to ensure that privileged solicitor-client communications are protected and not disseminated.

PROCEDURAL HISTORY

September 2, 2003
Ontario Superior Court of Justice
(Nordheimer J.)

Motion to dismiss Cassels Brock & Blackwell LLP as
solicitors for the Respondents dismissed

February 6, 2004
Ontario Superior Court of Justice Divisional Court
(MacFarland, Macdonald and Campbell JJ.)

Order of Nordheimer J. set aside; Cassels Brock &
Blackwell LLP ordered removed as solicitors of record for
the Respondents

October 1, 2004
Court of Appeal for Ontario
(Abella, Moldaver and Goudge JJ.A.)

Appeal allowed; Motion remitted back to Nordheimer J. for
determination

November 30, 2004
Supreme Court of Canada

Application for leave to appeal filed

Brian Chutskoff and Sarah Wilson as executors for the estate of Charles Chutskoff

v. (30563)

Mary Waterhouse as executrix for the estate of Angeline Ruskin (Sask.)

NATURE OF THE CASE

Family law - Application to set aside Minutes of Settlement - Non-disclosure in property statement - Misrepresentations, non-disclosure and pre-trial settlements - is the test to set aside family law contracts in light of misrepresentation different that for all other kinds of contracts - Whether trial judges in Canada base their rulings on evidence or are assumptions/hunches an acceptable source - What makes a "spouse" in Canada.

PROCEDURAL HISTORY

November 27, 2002
Queen's Bench (Family Law Division)
(Koch J.)

Applicants' application to set aside agreement denied;
Petitioner's application to enter judgment granted with
party and party costs payable by the estate

August 4, 2004
Court of Appeal for Saskatchewan
(Bayda C.J.S., Vancise and Lane JJ.A)

Appeal dismissed with costs payable by the estate

October 4, 2004
Supreme Court of Canada

Application for leave to appeal filed

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

Donald Williams

v. (30567)

**Debbie White, Lynne Kantautas, The Durham Region Police Services Board, The Children's Aid Society of
Durham Region, Maria D'Assisi, and Irene Johnson (Ont.)**

NATURE OF THE CASE

Procedural law - Trial - Appeal - Mistrial - Abuse of process - Whether, where a party to a civil action receives ineffective assistance from their trial counsel, a miscarriage of justice has occurred, necessitating the ordering of a new trial - In what circumstances should a mistrial can be declared based upon a breakdown in the relationship between counsel - Whether it is an abuse of the court's process to permit a party to a civil appeal to argue ineffectiveness of trial counsel as a ground of appeal where that party has exercised a direct right of action against trial counsel for negligence and that action has been settled, but no determination on the merits of that case against counsel has been made.

PROCEDURAL HISTORY

September 5, 2001
Ontario Superior Court of Justice
(Macdonald J.)

Applicant's action for general, special, punitive, exemplary
and aggravated damages totalling \$15,500,000 for various
claims, dismissed

August 23, 2004
Court of Appeal for Ontario
(Catzman, Moldaver and Goudge JJ.A.)

Appeal dismissed

October 21, 2004
Supreme Court of Canada

Application for leave to appeal filed

Marilyn Ortega, Lynn Dianne Russell, Sean Telesford Greaves, Shirwyn Victor Greaves, Rhonda Greaves and Jillisa Ortega, by her Litigation Guardian, Marilyn Ortega, and Nathaniel Russell, by his Litigation Guardian, Marilyn Ortega

v. (30489)

1005640 Ontario Inc. carrying on business under the name and style of Calypso Hut 3, 1230 Sheppard Centre Inc. and John Doe (Ont.)

NATURE OF THE CASE

Torts - Negligence - Occupiers' liability - Duty of care - Negligence - Causation - Murder committed in a parking lot of a nightclub located in a strip mall - Action in tort by family members of deceased alleging a breach of the *Occupier's Liability Act*, R.S.O. 1990, c. O.2, s. 3(1) - The issue of the standard of care for the provision of security by occupiers and the relationship between deterrence and causation are issues of public importance and ought to be reviewed by this Court.

PROCEDURAL HISTORY

March 11, 2003
Ontario Superior Court of Justice
(Marchand J.)

Applicants' action in negligence dismissed, costs awarded to Respondents on a partial indemnity basis

June 11, 2004
Court of Appeal for Ontario
(Labrosse, Laskin, and Goudge JJ.A.)

Appeal dismissed with costs fixed at \$10,000.00

August 31, 2004
Supreme Court of Canada

Application for leave to appeal filed

February 4, 2005
Supreme Court of Canada

Respondents' motion for an extension of time granted

The Attorney General of Nova Scotia representing Her Majesty the Queen in Right of the Province of Nova Scotia

v. (30616)

Terrance L. Smith (N.S.)

NATURE OF THE CASE

Crown law - Injunction - Interlocutory injunction - Statutes - Interpretation - *Proceedings Against the Crown Act*, R.S.N.S. 1989, c. 360, s. 16 - Employment law - Availability of interlocutory injunction against Crown officer - Characterization of injunction as mandatory or prohibitory - Jurisdiction - In conducting the preliminary assessment of the merits of the case for an injunction to mandate that an agreement be adhered to, should a court apply the lower

threshold of the merits of the case typically applied in non-mandatory injunction cases to those applications for interlocutory mandatory injunctions in which the higher onus would otherwise apply - Whether dispute should have been resolved pursuant to the dispute resolution provisions specified in memorandum of agreement - Whether the lower courts could rely upon the dispute resolution procedures specified in memorandum of agreement to establish an illegal act on the part of the employer - Whether the 'irreparable harm' threshold for an interlocutory injunction should include an examination of the economic impact the loss of employment or income or benefits will have on an individual and his family - Whether interlocutory injunctive relief is available against the Crown or an officer of the Crown - If so, under what circumstances - Whether interlocutory injunctive relief is available to restrain the commission or continuation of an illegal act committed or threatened to be committed by an officer of the Crown - If so, whether an alleged breach of contract is such an illegal act.

PROCEDURAL HISTORY

June 6, 2003
Supreme Court of Nova Scotia, Trial Division
(Moir J.)

Interlocutory injunction restraining Deputy Minister of Justice from terminating Respondent's employment, granted

September 15, 2004
Nova Scotia Court of Appeal
(Roscoe, Freeman and Cromwell JJ.A.)

Leave to appeal granted; appeal dismissed

November 15, 2004
Supreme Court of Canada

Application for leave to appeal filed

The Attorney General of Nova Scotia representing Her Majesty the Queen in Right of the Province of Nova Scotia

v. (30617)

Dennis Connolly (N.S.)

NATURE OF THE CASE

Crown law - Injunction - Interlocutory injunction - Statutes - Interpretation - *Proceedings Against the Crown Act*, R.S.N.S. 1989, c. 360, s. 16 - Employment law - Availability of interlocutory injunction against Crown officer - Characterization of injunction as mandatory or prohibitory - Jurisdiction - In conducting the preliminary assessment of the merits of the case for an injunction to mandate that an agreement be adhered to, should a court apply the lower threshold of the merits of the case typically applied in non-mandatory injunction cases to those applications for interlocutory mandatory injunctions in which the higher onus would otherwise apply - Whether dispute should have been resolved pursuant to the dispute resolution provisions specified in memorandum of agreement - Whether the lower courts could rely upon the dispute resolution procedures specified in memorandum of agreement to establish an illegal act on the part of the employer - Whether the 'irreparable harm' threshold for an interlocutory injunction should include an examination of the economic impact the loss of employment or income or benefits will have on an individual and his family - Whether interlocutory injunctive relief is available against the Crown or an officer of the Crown - If so, under what circumstances - Whether interlocutory injunctive relief is available to restrain the commission or continuation of an illegal act committed or threatened to be committed by an officer of the Crown - If so, whether an alleged breach of contract is such an illegal act.

PROCEDURAL HISTORY

October 6, 2003
Supreme Court of Nova Scotia
(Kennedy C.J.S.C.)

Interlocutory injunction to prohibit the Applicant from terminating his employment or discontinuing his salary, granted

September 15, 2004
Nova Scotia Court of Appeal
(Roscoe, Freeman and Cromwell JJ.A.)

Leave to appeal granted; Appeal dismissed

November 15, 2004
Supreme Court of Canada

Application for leave to appeal filed

The Minister of Justice

v. (30553)

Sheldon Blank (F.C.)

NATURE OF THE CASE

Procedural Law - Evidence - Trial - Solicitor-client Privilege - Duration of Litigation Privilege - Whether litigation privilege ends when the litigation giving rise to the privilege comes to an end.

PROCEDURAL HISTORY

April 17, 2003
Federal Court of Canada
(Campbell J.)

Respondent's application for judicial review pursuant s. 41 of the *Access Information Act* allowed in part

September 8, 2004
Federal Court of Appeal
(Décary, Lévesque [dissenting in part] and Pelletier JJ.A.)

Respondent's appeal allowed in part; Applicant's cross-appeal dismissed, Lévesque J.A. dissenting; Matter referred back to the Federal Court, Trial Division

October 25, 2004
Federal Court of Appeal
(Décary J.A.)

Judgment suspended

November 8, 2004
Supreme Court of Canada

Application for leave to appeal filed

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

Claude Hernandez et Sylvain Lévesque

c. (30640)

Sa Majesté la Reine (Crim.) (Qc)

NATURE DE LA CAUSE

Droit criminel - Preuve - Procédure - Écoute électronique - Autorisation - Téléphone cellulaire - Contre-expertise - La Cour d'appel a-t-elle erré en jugeant qu'une clause omnibus permet légalement l'écoute électronique d'un téléphone cellulaire de compagnie dont le numéro est connu et ne figure pas à l'autorisation? - La Cour d'appel a-t-elle erré en refusant de sanctionner la remise par grossière négligence de la presque totalité de la preuve pertinente par l'arrêt des

procédures alors qu'il était admis qu'il n'y avait plus de possibilité de contre-expertise, causant un préjudice permanent et irréparable au droit des demandeurs à une défense pleine et entière?

HISTORIQUE DES PROCÉDURES

Le 15 juin 2000
Cour du Québec
(La juge Toupin)

Demandeur Hernandez déclaré coupable de 24 chefs d'accusation liés au vol et recel de véhicules et pièces d'automobiles; Demandeur Létourneau déclaré coupable de 22 chefs d'accusation liés au vol et recel de véhicules et pièces d'automobiles

Le 1^{er} novembre 2004
Cour d'appel du Québec
(Les juges Rothman, Rochon et Doyon)

Appel rejeté

Le 23 décembre 2004
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Druker & Associés Inc. ès qualités de syndic à la faillite de Elias Y. Malka

c. (30630)

Les Holdings Marine Ltée, 171221 Canada Inc., Sheldon Mintzberg (Qc)

NATURE DE LA CAUSE

Droit commercial – Faillite – Action paulienne (art. 1032 et suiv. C.c.B.-C.) – Paiements effectués peu de temps avant la cession de biens – Art. 95 et 96 de la *Loi sur la faillite et l'insolvabilité*, L.R.C. (1985), ch. B-3 – Le paiement effectué par Elias Malka à une société intimée constitue-t-il une fraude paulienne ou une disposition frauduleuse? – Dans l'affirmative, la responsabilité personnelle de l'administrateur de la société peut-elle être retenue? – Le syndic est-il justifié de demander la répétition de l'indu concernant le paiement réclamé par l'administrateur et sa société peu de temps après la transaction?

HISTORIQUE DES PROCÉDURES

Le 7 février 2002
Cour supérieure du Québec
(Le juge Tingley)

Requête du demandeur en inopposabilité et en répétition de l'indu, rejetée

Le 21 septembre 2004
Cour d'appel du Québec
(Les juges Forget, Dalphond et Rayle [*dissidente*])

Appel rejeté

Le 22 novembre 2004
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Lionel Fils-Aimé

c. (30674)

Ville de Montréal et Stéphanie Bellemare (Qc)

NATURE DE LA CAUSE

Législation - Interprétation - Procédure - Prescription - *Charte des droits et libertés de la personne*, L.R.Q. ch. C-12, art. 1 - *Code civil du Québec*, L.Q. 1991, ch. 64, art. 2930 - *Loi sur les cités et villes*, L.R.Q. ch.C-19, art. 586 - Arrestation par erreur et détention par négligence alléguée - Recours contre la municipalité et sa policière intenté à l'intérieur du délai de prescription prévu au *Code civil* pour les dommages corporels mais à l'extérieur du délai de prescription fixé par la *Loi sur les cités et villes* - La notion de préjudice corporel de l'art. 2930 du *Code civil* intègre-t-elle celle de préjudice moral? - L'article 2930 du *Code civil* doit-il être interprété d'une façon large, libérale et compatible avec la notion d'intégrité de la personne consacrée par la *Charte des droits et libertés de la personne*?

HISTORIQUE DES PROCÉDURES

Le 4 novembre 2003
Cour du Québec
(Le juge Dortéus)

Requête en irrecevabilité présentée par les intimées en vertu de l'article 165.4 du *Code de procédure civile*, rejetée.

Le 16 décembre 2003
Cour d'appel du Québec
(Le juge Baudouin siégeant seul)

Permission de faire appel accordée.

Le 1 octobre 2004
Cour d'appel du Québec
(Les juges Baudouin, Morin et Rochon)

Appel accueilli; jugement de première instance infirmé; requête en irrecevabilité des intimées, accueillie.

Le 21 décembre 2004
Cour suprême du Canada

Demande d'autorisation d'appel et de prorogation de délai déposées.

Monit International Inc.

c. (30653)

Sa Majesté la Reine (C.F.)

NATURE DE LA CAUSE

Droit commercial — Responsabilité contractuelle et extracontractuelle — Appel d'offres concurrentielles — Obligation de négocier de bonne foi — Dommages-intérêts — Perte d'une chance — La violation par un organisme public d'une norme quasi réglementaire peut-elle constituer une faute civile? — Un organisme public a-t-il l'obligation légale de négocier avec le seul soumissionnaire conforme? — La perte d'une chance est-elle reconnue comme un préjudice indemnisable en droit québécois? — La question de savoir si un contrat aurait ou non été accordé à un soumissionnaire injustement écarté relève-t-elle du lien de causalité ou de l'évaluation du préjudice?

HISTORIQUE DES PROCÉDURES

Le 26 avril 2001
Cour fédérale du Canada
(le protonotaire Morneau)

Ordonnance de consentement prévoyant que la question des dommages sera traitée par voie de renvoi une fois la responsabilité établie.

APPLICATIONS FOR LEAVE
SUBMITTED TO COURT SINCE LAST ISSUE

DEMANDES SOUMISES À LA COUR DEPUIS
LA DERNIÈRE PARUTION

Le 20 janvier 2004
Cour fédérale du Canada
(Le juge Beaudry)

Responsabilité établie. Les parties ont jusqu'au 19 avril 2004 pour tenter de régler les questions des frais et dommages, à défaut de quoi le dossier sera traité par voie de renvoi devant un juge.

Le 7 octobre 2004
Cour d'appel fédérale
(Les juges Décary, Noël et Pelletier)

Appel accueilli; jugement de la cour fédérale infirmé; action de la demanderesse rejetée.

Le 6 décembre 2004
Cour suprême du Canada

Demande d'autorisation d'appel déposée.

MARCH 03, 2005 / LE 3 MARS 2005

30401 **Marc-André Bouliane c. Procureur général du Québec, Ministre de la Sécurité publique** (Qc)
(Civile) (Autorisation)

Coram: La juge en chef McLachlin et les juges Binnie et Charron

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel du Québec (Québec), numéro 200-09-004231-020, daté du 28 avril 2004, est rejetée avec dépens.

The application for leave to appeal from the judgment of the Court of Appeal of Quebec (Quebec), Number 200-09-004231-020, dated April 28, 2004, is dismissed with costs.

NATURE DE LA CAUSE

Droit administratif — Tribunaux — Appel — Contrôle judiciaire — Norme de retenue judiciaire — Crainte raisonnable de partialité — Équité procédurale — Enquête sur la conduite d'un coroner — La Cour d'appel a-t-elle commis une erreur en statuant qu'elle n'est pas tenue à la règle usuelle de retenue judiciaire lorsqu'elle examine une conclusion en matière de partialité d'un décideur? — Art. 14 de la *Loi sur la recherche des causes et circonstances des décès*, L.R.Q. ch. R-0.2 — L'enquête tenue en vertu de l'art. 14 comporte-t-elle un caractère décisionnel demandant une application plus rigoureuse des règles d'équité procédurale quant à la divulgation de la preuve et au rôle du procureur désigné pour assister le juge enquêteur?

HISTORIQUE PROCÉDURAL

Le 1^{er} octobre 2002
Cour supérieure du Québec
(Le juge Corriveau)

Requête du demandeur en révision judiciaire, jugement déclaratoire et arrêt des procédures accueillie. Annulation de l'enquête pour crainte raisonnable de partialité et arrêt des procédures.

Le 28 avril 2004
Cour d'appel du Québec
(Les juges Gendreau, Forget et Morissette)

Appel des intimés accueilli. Conclusion de crainte raisonnable de partialité infirmée, arrêt des procédures annulé, requêtes en révision judiciaire rejetées.

Le 22 juin 2004
Cour d'appel du Québec
(Le juge Delisle)

Requête en suspension d'exécution du jugement rendu le 28 avril 2004 rejetée

Le 22 juin 2004
Cour suprême du Canada

Demande d'autorisation d'appel déposée.

30456 **Her Majesty the Queen v. Yagianath Maharaj** (Ont.) (Criminal) (By Leave)

Coram: McLachlin C.J. and Binnie and Charron JJ.

The motion for an oral hearing of the application for leave to appeal and the application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C39044, dated May 12, 2004, are dismissed without costs.

La requête pour la tenue d'une audience orale de la demande d'autorisation d'appel et la demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C39044, daté du 12 mai 2004, sont rejetées sans dépens.

NATURE OF THE CASE

Criminal law - Procedure - Judgments and reasons for judgment - Whether the Court of Appeal erred in law in concluding that the trial judge's reasons for judgment violated the duty to give reasons.

PROCEDURAL HISTORY

May 21, 1999 Ontario Court of Justice (Main J.)	Respondent convicted of sexual assault; Charge of sexual interference conditionally stayed; Respondent acquitted of other charges of sexual assault and sexual interference
October 22, 2002 Ontario Superior Court of Justice (Fuerst J.)	Summary conviction appeal dismissed
May 12, 2004 Court of Appeal for Ontario (McMurtry C.J.O., Laskin and Rosenberg JJ.A.)	Appeal allowed
August 11, 2004 Supreme Court of Canada	Application for leave to appeal filed

30463 **Chief Allan Apsassin, on his own behalf and on behalf of the members of the Saulteau First Nations v. The British Columbia Oil and Gas Commission, Vintage Petroleum Canada, Inc., Attorney General of British Columbia** (B.C.) (Civil) (By Leave)

Coram: McLachlin C.J. and Binnie and Charron JJ.

The application for an extension of time is granted and the application for leave to appeal from the judgment of the Court of Appeal for British Columbia (Victoria), Number CA31643, dated May 14, 2004, is dismissed with costs to the respondent Vintage Petroleum Canada, Inc.

La demande de prorogation de délai est accordée et la demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Colombie-Britannique (Victoria), numéro CA31643, daté du 14 mai 2004, est rejetée avec dépens en faveur de l'intimée Vintage Petroleum Canada, Inc.

NATURE OF THE CASE

Native law - Administrative law - Judicial review - Treaty rights - Constitutionally mandated fiduciary duty on Crown to consult when aboriginal or treaty right threatened with infringement - Approval process for test gas well - Cumulative effect of test well on treaty right not before or considered by decision maker - Decision approving test gas well upheld on judicial review and appeal - Whether the Crown's fiduciary duty imposed by s.35(1) of the *Constitution Act, 1982*, requires the Oil and Gas Commission to consider all relevant effects of a proposed authorization, including cumulative and indirect effects, where such effects are relevant in the decision in question? - Whether the principle described in *R. v. Adams*, [1996] 3 S.C.R. 101, that a legislative or regulatory scheme, which creates an unstructured administrative discretion that threatens to infringe aboriginal and treaty rights, infringes an aboriginal treaty right applies to regimes affecting the aboriginal or treaty right indirectly rather than directly?

PROCEDURAL HISTORY

January 27, 2004 Supreme Court of British Columbia (Cohen J.)	Applicant's application for judicial review from respondent Commission's decision to authorize Vintage Petroleum Canada Inc. to construct test gas well dismissed
May 14, 2004 Court of Appeal for British Columbia (Ryan, Braidwood, Low JJ.A.)	Appeal dismissed
August 13, 2004 Supreme Court of Canada	Application for leave to appeal filed
December 15, 2004 Supreme Court of Canada	Motion to extend time to file and serve leave application filed

30480 **Her Majesty the Queen v. S.J.D.** (Ont.) (Criminal) (By Leave)

Coram: McLachlin C.J. and Binnie and Charron JJ.

The motion for an oral hearing of the application for leave to appeal and the application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C35323, dated May 26, 2004, are dismissed without costs.

La requête pour la tenue d'une audience orale de la demande d'autorisation d'appel et la demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C35323, daté du 26 mai 2004, sont rejetées sans dépens.

NATURE OF THE CASE

Criminal law - Procedure- Judgments and reasons for judgment - Whether the Court of Appeal erred in law in concluding that the trial judge's reasons for judgment violated the duty to give reasons.

PROCEDURAL HISTORY

June 1, 2000 Ontario Court of Justice (Morneau J.)	Respondent convicted of repeated sexual touching and counselling sexual touching contrary to ss. 151(a) & 152 of the <i>Criminal Code</i> ; Respondent sentenced to three and a half years imprisonment
May 26, 2004 Court of Appeal for Ontario (Laskin, Goudge and Simmons JJ.A.)	Appeal allowed; convictions set aside; new trial ordered
August 25, 2004 Supreme Court of Canada	Application for leave to appeal filed

30492 **Canutilities Holdings Ltd. v. Her Majesty the Queen** (FC) (Civil) (By Leave)

Coram: McLachlin C.J. and Binnie and Charron JJ.

The application for leave to appeal from the judgment of the Federal Court of Appeal, Number A-439-03, 2004 FCA 234, dated July 19, 2004, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro A-439-03, 2004 FCA 234, daté du 19 juillet 2004, est rejetée avec dépens.

NATURE OF THE CASE

Taxation - Assessment - Dividends - Capital gains - Whether the Federal Court of Appeal erred in law in determining what constitutes a "series of transactions or events" for the purposes of the *Income Tax Act* and specifically subsection 55(2) of the Act - Whether the Federal Court of Appeal erred in law in holding that pre-ordination is the sole and proper test in determining what constitutes a "series of transactions or events" at common law - Whether the Federal Court of Appeal erred in law in holding that tax planning and the achievement of tax avoidance is a sufficient nexus or connection to cause independent transactions carried out for their own *bona fide* commercial purposes to constitute a "series of transactions or events" at common law - *Income Tax Act*, R.S.C. 1985, c. 1 (5th Supp.), s. 55(2)

PROCEDURAL HISTORY

August 28, 2003
Tax Court of Canada
(Hershfield J.)

Applicant's appeal from the assessment made under the *Income Tax Act* for the 1996 and 1997 taxation years allowed; referred back to the Minister of National Revenue for reconsideration and reassessment

July 19, 2004
Federal Court of Appeal
(Rothstein, Noël, and Evans JJ.A.)

Appeal allowed

August 30, 2004
Supreme Court of Canada

Application for leave to appeal filed

30521 **Her Majesty the Queen in Right of Ontario v. Granite Power Corporation** (Ont.) (Civil) (By Leave)

Coram: **McLachlin C.J. and Binnie and Charron JJ.**

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C41084, dated August 3, 2004, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C41084, daté du 3 août 2004, est rejetée avec dépens.

NATURE OF THE CASE

Procedural law - Civil procedure - Motion to strike - Torts - Misfeasance in public office - Private utility company bringing action against Crown after electricity market opened to competition - Court of Appeal allowing action to continue in respect of claim for misfeasance in public office only - Whether claim for misfeasance in public office should be struck out - *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, Rule 21.01(1)(b).

PROCEDURAL HISTORY

May 27, 2002
Superior Court of Justice
(Chadwick J.)

Parts of Respondent's statement of claim struck out

September 11, 2003
Divisional Court, Superior Court of Justice
(O'Driscoll, Cusinato and Howden JJ.)

Appeal dismissed.

August 3, 2004
Court of Appeal for Ontario
(Catzman, Moldaver and Goudge JJ.A.)

Appeal allowed in part; action allowed to continue in respect of the claim for misfeasance in public office only

September 23, 2004
Supreme Court of Canada

Application for leave to appeal filed

October 27, 2004
Supreme Court of Canada

Conditional application for leave to cross-appeal filed

30526 **Michael Abraham, Paragon Commercial Enterprises Inc. and Mega-Lab Manufacturing Company, Ltd v. United Laboratories, Inc.** (Ont.) (Civil) (By Leave)

Coram: McLachlin C.J. and Binnie and Charron JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C39099, dated July 20, 2004, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C39099, daté du 20 juillet 2004, est rejetée avec dépens.

NATURE OF THE CASE

Commercial law - Contracts - Statutes - Interpretation - Whether an agreement to arbitrate any dispute that relates to, or arises out of, a contract between a foreign party and a Canadian party ousts the jurisdiction of the courts with respect to all disputes between the parties - Whether the Court of Appeal was too narrow in the scope of claims and disputes which will be covered by choice of law/arbitration clauses.

PROCEDURAL HISTORY

October 8, 2002
Ontario Superior Court of Justice
(Pepall J.)

Judgment granted in favour of Respondent; Applicants ordered to pay the Respondent US \$507,618.95, prejudgment interest in the amount of US \$72,896.86 and \$78,978.77 CND in costs

July 20, 2004
Court of Appeal for Ontario
(McMurtry C.J.O., Borins and Simmons JJ.A.)

Appeal dismissed

September 28, 2004
Supreme Court of Canada

Application for leave to appeal filed

30528 **Jean-Guy Pontbriand c. Sa Majesté la Reine** (Qc) (Criminelle) (Autorisation)

Coram: La juge en chef McLachlin et les juges Binnie et Charron

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel du Québec (Montréal), numéro 500-10-002229-019, daté du 4 août 2004, est rejetée.

The application for leave to appeal from the judgment of the Court of Appeal of Quebec (Montreal), Number 500-10-002229-019, dated August 4, 2004, is dismissed.

NATURE DE LA CAUSE

Droit criminel - Défense - Preuve - Droit au contre-interrogatoire du principal témoin - Droit à un procès juste et équitable - La Cour d'appel du Québec a-t-elle modifié la portée de la disposition réparatrice en incluant dans son champ d'application l'un des concepts fondamentaux du droit pénal canadien, soit le droit à une défense pleine et entière? - La Cour d'appel du Québec a-t-elle appliqué la disposition réparatrice à une erreur de droit qu'elle omet de qualifier tout en admettant que l'erreur en question a violé un droit fondamental? - La Cour d'appel du Québec a-t-elle spéculé sur le préjudice que pourrait subir un accusé qui s'est vu privé illégalement de son droit au contre-interrogatoire, et ce sans traiter de l'équité de procès?

HISTORIQUE DES PROCÉDURES

Le 19 octobre 2001
Cour supérieure du Québec
(La juge Barrette-Joncas)

Demandeur déclaré coupable de meurtre au premier degré

Le 4 août 2004
Cour d'appel du Québec
(Les juges Proulx, Nuss et Rochette)

Pourvoi rejeté

Le 28 septembre 2004
Cour suprême du Canada

Demande d'autorisation d'appel déposée

30537 **Halton Condominium Corporation No.242 v. Law Development Group (Georgetown) Limited**
(Ont.) (Civil) (By Leave)

Coram: McLachlin C.J. and Binnie and Charron JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C40914, dated July 26, 2004, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C40914, daté du 26 juillet 2004, est rejetée avec dépens.

NATURE OF THE CASE

Procedural law - Actions - Judgments and orders - Master's order striking statement of defence for failure to comply with previous orders and undertakings - What is the role of Masters and what principles govern their discretion to strike pleadings? - Whether *Housen v. Nikolaisen* applies to limit role of Court of Appeal where a motions judge has already reviewed the Master's decision to strike a defence for prolonged and repeated failures to comply with court orders and fulfill undertakings, has considered the evidence, and made findings of credibility

PROCEDURAL HISTORY

October 23, 2001 Ontario Superior Court of Justice (Polika, Master)	Motion to strike out Respondent, Law Development's, statement of defence allowed
October 7, 2003 Ontario Superior Court of Justice (Juriansz J.)	Respondent's motion to set aside default judgement denied
January 30, 2004 Ontario Superior Court of Justice (Juriansz J.)	Appeal dismissed
July 26, 2004 Court of Appeal for Ontario (Catzman, Sharpe and Gillese JJ.A.)	Appeal allowed; default judgement and order striking statement of defence set aside
September 29, 2004 Supreme Court of Canada	Application for leave to appeal filed

30540 **Ross Joseph Gardypie v. Attorney General of Canada** (Sask.) (Civil) (By Leave)

Coram: McLachlin C.J. and Binnie and Charron JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Saskatchewan, Number 638, dated July 16, 2004, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Saskatchewan, numéro 638, daté du 16 juillet 2004, est rejetée avec dépens.

NATURE OF THE CASE

Procedural law - Limitation of actions - Whether the Court of Appeal erred in determining that the *Public Officers' Protection Act*, R.S.S. 1978, c. P-40, applied to all civil servants - Whether an action against the Government of Canada would be properly distinguished from an action against unknown and unascertainable individuals employed by the Government of Canada - If so, whether the Court of Appeal recognized and ascribed the appropriate weight to the difference - Whether the *Public Officers' Protection Act*, applies differently to actions of individuals directly or indirectly employed by the Government of Canada - If so, whether the Court of Appeal recognized and gave appropriate weight to the difference - Whether the Court of Appeal erred in determining that the pleadings did not support a cause of action in breach of fiduciary duty and breach of trust?

PROCEDURAL HISTORY

October 15, 2002
Court of Queen's Bench of Saskatchewan
(Barclay J.)

Respondent's application to strike out the Applicant's claim in negligence, fiduciary duty and breach of trust as statute barred dismissed

July 16, 2004
Court of Appeal for Saskatchewan
(Tallis, Cameron and Lane JJ.A.)

Appeal allowed

September 29, 2004
Supreme Court of Canada

Application for leave to appeal filed

30546 **Bonnie Mooney, Michelle Mooney, an infant by her guardian ad litem, Bonnie Mooney, and Kristy Mooney, an infant by her guardian ad litem, Bonnie Mooney v. The Attorney General of Canada, The Attorney General of the Province of British Columbia and Constable C. Andrichuk**
(B.C.) (Civil) (By Leave)

Coram: McLachlin C.J. and Binnie and Charron JJ.

The application for leave to appeal from the judgment of the Court of Appeal for British Columbia (Vancouver), Numbers CA028582 and CA028875, dated July 22, 2004, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Colombie-Britannique (Vancouver), numéros CA028582 et CA028875, daté du 22 juillet 2004, est rejetée avec dépens.

NATURE OF THE CASE

Torts - Negligence - Police - Duty of care - Causation - Applicants bringing action after shooting incident alleging that Respondent police officer was negligent in failing to investigate an earlier complaint - Scope and meaning of "material contribution" as an alternative to the traditional "but for" test for causation in tort - Applicability of "risk principle" - Meaning of *de minimis* as a threshold standard for proving the materiality of a contributing cause - Public policy considerations for relaxing the standard of proof in the particular context of a police duty to protect victims of domestic violence.

PROCEDURAL HISTORY

June 5, 2001
Supreme Court of British Columbia
(Collver J.)

Applicants' action dismissed

July 25, 2001
Supreme Court of British Columbia
(Collver, J.)

Supplementary reasons concerning damages

July 22, 2004
Court of Appeal for British Columbia
(Donald [*dissenting*], Hall and Smith JJ.A.)

Appeal and cross-appeal dismissed

September 29, 2004
Supreme Court of Canada

Application for leave to appeal filed

30575 **M.W.F. v. Her Majesty the Queen** (B.C.) (Criminal) (By Leave)

Coram: McLachlin C.J. and Binnie and Charron JJ.

The application for leave to appeal from the judgment of the Court of Appeal for British Columbia (Vancouver), Number CA31090, dated August 19, 2004, is dismissed.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Colombie-Britannique (Vancouver), numéro CA31090, daté du 19 août 2004, est rejetée.

NATURE OF THE CASE

Criminal law (Non *Charter*) - Young offenders - Right to counsel - Waiver - Whether the Court of Appeal erred in law in failing to apply the decision of this court in *R. v. Prosper* - Whether the Court of Appeal erred in law misinterpreting the provisions of section 56 of the *Young Offenders Act* - Whether the Court of Appeal erred in law in misinterpreting section 11 of the *Young Offenders Act* - Whether the Court of Appeal erred in law by misapplying and misinterpreting the law in finding that the inculpatory statement made by the Applicant, to a police officer, was admissible as evidence - Whether the Court of Appeal erred in law by misapplying and misinterpreting the law with respect to the waiver given by the Applicant - *R. v. Prosper*, [1994] 3 S.C.R. 236 - *Young Offenders Act*, R.S.C. 1985, c. Y-1

PROCEDURAL HISTORY

June 26, 2003
Provincial Court of British Columbia
(Lazar J.)

Statement made by Applicant during videotaped interview deemed admissible on voir dire; Applicant found guilty of sexual assault causing bodily harm

July 28, 2003
Provincial Court of British Columbia
(Lazar, J.)

Applicant sentenced to 24 months conditional probation for sexual assault conviction, and 3 months conditional probation for breach of probation

August 19, 2004
Court of Appeal for British Columbia
(Finch C.J. [*dissenting*], Lowry and Huddart JJ.A.)

Appeal dismissed

October 18, 2004
Supreme Court of Canada

Application for leave to appeal filed

30609 **Union des producteurs agricoles, Mario Salvas, Louis R. Joyal, Albert Provost, Thérèse Ménard, Jacques Joyal, Réal Mondou, Rock Mondou, Sylvain Joyal, Charles Lachapelle c. La municipalité régionale de comté (MRC) du Bas-Richelieu, Procureur général du Québec, La Commission de la protection du territoire agricole du Québec (CPTAQ)** (Qc) (Civile) (Autorisation)

Coram: La juge en chef McLachlin et les juges Binnie et Charron

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel du Québec (Montréal), numéro 500-09-013782-032, daté du 3 septembre 2004, est rejetée avec dépens en faveur des intimés Procureur général du Québec et Municipalité régionale de comté du Bas-Richelieu.

The application for leave to appeal from the judgment of the Court of Appeal of Quebec (Montreal), Number 500-09-013782-032, dated September 3, 2004, is dismissed with costs to the respondents Attorney General of Quebec and Municipalité régionale de comté du Bas-Richelieu.

NATURE DE LA CAUSE

Droit municipal - Municipalités - Injonction - Apparence de droit - Aménagement et urbanisme - Protection du territoire agricole - Droits acquis - La Cour d'appel a-t-elle erré en décidant que l'art. 104 de la *Loi sur la protection du territoire et des activités agricoles*, L.R.Q., ch. P-41.1, s'appliquait à une emprise ferroviaire du Canadien National, une société d'État fédérale, dès l'entrée en vigueur de cette loi en 1978 et s'est appliqué en tout temps à ladite emprise et ce, malgré que l'emprise soit abandonnée comme ouvrage ferroviaire conformément à une décision de l'Office national des transports et malgré la prorogation du Canadien National comme société privée?

HISTORIQUE DES PROCÉDURES

Le 22 août 2003
Cour supérieure du Québec
(Le juge De Wever)

Requête des demandeurs en injonction interlocutoire
contre la MRC intimée accueillie

Le 3 septembre 2004
Cour d'appel du Québec
(Les juges Mailhot, Rayle et Lemelin [*ad hoc*])

Appel accueilli, jugement de première instance infirmé,
requête pour ordonnance d'injonction interlocutoire
rejetée

Le 2 novembre 2004
Cour suprême du Canada

Demande d'autorisation d'appel déposée

30612 **Synchronics, Ian Brown v. Synchronics, Incorporated** (FC) (Civil) (By Leave)

Coram: McLachlin C.J. and Binnie and Charron JJ.

The application for an extension of time is granted and the application for leave to appeal from the judgment of the Federal Court of Appeal, Number A-726-01, dated July 14, 2004, is dismissed with costs.

La demande de prorogation de délai est accordée et la demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro A-726-01, daté du 14 juillet 2004, est rejetée avec dépens.

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms (civil) - Procedural law - *Federal Court Rules* - Personal Applicant attempting to represent Applicant company - Can a court lawfully use minor procedural rules to defeat statutory protections and fundamental principles of justice?

PROCEDURAL HISTORY

March 23, 1999
Federal Court of Canada
(Teitelbaum J.)

Applicant's motion requesting leave for Synchronics to be
represented by Ian Brown under Rule 120 of the *Federal
Court Rules*, dismissed

May 7, 1999
Federal Court of Canada
(Teitelbaum J.)

Motion for reconsideration dismissed

May 14, 2004
Federal Court of Appeal
(Evans J.A.)

Appeal dismissed

July 14, 2004
Federal Court of Appeal
(Evans, Sharlow and Malone JJ.A.)

Appeal dismissed

September 30, 2004
Supreme Court of Canada

Applications for leave to appeal and to extend time filed

30627 **Eton Anthony Greaves v. Her Majesty the Queen** (B.C.) (Criminal) (By Leave)

Coram: McLachlin C.J. and Binnie and Charron JJ.

The application for leave to appeal from the judgment of the Court of Appeal for British Columbia (Vancouver), Number CA030832, dated September 23, 2004, is dismissed.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Colombie-Britannique (Vancouver), numéro CA030832, daté du 23 septembre 2004, est rejetée.

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Arbitrary detention - Right to counsel - Whether the Court of Appeal erred in concluding that the detention of the Applicant, based partly on the officer's subjective beliefs about racialized minorities, did not violate s. 9 of the *Charter* - Whether the Court of Appeal erred in its approach to s.10(b) of the *Charter* in the context of an investigative detention - Whether the Court of Appeal erred in concluding that the admission of the evidence would not bring the administration of justice into disrepute under section 24(2) of the *Charter*.

PROCEDURAL HISTORY

January 28, 2002
Supreme Court of British Columbia
(Dillon J.)

Applicant convicted of two counts of robbery contrary to Section 344(b), two counts of unlawful confinement contrary to Section 279(2), two counts of uttering threats contrary to Section 264.1(1)(a), using an imitation firearm while committing a robbery contrary to Section 85(2), fraudulent impersonation contrary to Section 403(a), obstruction of a police officer contrary to Section 129(a), possession of stolen property contrary to Section 355 and carrying a concealed weapon contrary to Section 90(1) of the *Criminal Code*

September 23, 2004
Court of Appeal for British Columbia
(Finch C.J.B.C., Mackenzie and Lowry JJ.A.)

Appeal against conviction dismissed

November 19, 2004
Supreme Court of Canada

Application for leave to appeal filed

30633 **Ikon Office Solutions Inc, Ikon Solutions, Inc./ Ikon Solutions de bureau, Inc. v. KKBL No. 297 Ventures Ltd.** (B.C.) (Civil) (By Leave)

Coram: McLachlin C.J. and Binnie and Charron JJ.

The application for leave to appeal from the judgment of the Court of Appeal for British Columbia (Vancouver), Number CA031320, dated September 17, 2004, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Colombie-Britannique (Vancouver), numéro CA031320, daté du 17 septembre 2004, est rejetée avec dépens.

NATURE OF THE CASE

Property law - Landlord and tenant - Commercial leases - Indemnity - Bankruptcy - Disclaimer of lease - Respondent seeking to enforce indemnity agreement provided by Applicants for losses arising from non-payment of rent and subsequent bankruptcy of Respondent's tenant - Trial judge dismissing action - Court of Appeal reversing judgment on basis of recent Supreme Court of Canada decision - Retroactive effect of judgments that overrule existing case authority.

PROCEDURAL HISTORY

October 20, 2003
Supreme Court of British Columbia
(Blair J.)

Respondent's action seeking to enforce indemnity agreement dismissed

September 17, 2004
Court of Appeal for British Columbia
(Rowles, Hall and Smith JJ.A.)

Appeal allowed

November 15, 2004
Supreme Court of Canada

Application for leave to appeal filed

30641 **Her Majesty the Queen v. Bile Warsame Dore** (Ont.) (Criminal) (By Leave)

Coram: McLachlin C.J. and Binnie and Charron JJ.

The motion for an oral hearing of the application for leave to appeal and the application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C40855, dated October 1, 2004, are dismissed without costs.

La requête pour la tenue d'une audience orale de la demande d'autorisation d'appel et la demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C40855, daté du 1 octobre 2004, sont rejetées sans dépens.

NATURE OF THE CASE

Criminal law - Procedure - Judgments and reasons for judgment - Whether the Court of Appeal erred in law in concluding that the trial judge's reasons for judgment violated the duty to give reasons.

PROCEDURAL HISTORY

April 22, 2002
Ontario Court of Justice
(Long J.)

Respondent charged and convicted of sexual assault contrary to section 271 of the *Criminal Code*

October 2, 2003
Ontario Superior Court of Justice
(Molloy J.)

Summary conviction appeal dismissed

October 1, 2004
Court of Appeal for Ontario
(Labrosse, Laskin and Lang JJ.A.)

Appeal allowed and new trial ordered

November 30, 2004
Supreme Court of Canada

Application for leave to appeal filed

30654 **Gaétan Bourgault c. Ville de Sherbrooke** (Qc) (Civile) (Autorisation)

Coram: La juge en chef McLachlin et les juges Binnie et Charron

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel du Québec (Montréal), numéro 500-10-002911-046, daté du 5 octobre 2004, est rejetée avec dépens.

The application for leave to appeal from the judgment of the Court of Appeal of Quebec (Montreal), Number 500-10-002911-046, dated October 5, 2004, is dismissed with costs.

NATURE DE LA CAUSE

Législation - Interprétation - Procédure - Appel - Condamnation pénale sous une loi provinciale - Rejet, par la Cour d'appel du Québec, d'une requête pour permission d'appeler - *Code de procédure pénale*, L.R.Q. ch. C-25.1, article 291 - La Cour d'appel a-t-elle ajouté aux conditions de l'article 291 C.P.P. en qualifiant la nature de la question de droit qui peut faire l'objet d'une permission d'appeler?

HISTORIQUE DES PROCÉDURES

Le 13 mars 2003
Cour municipale de Sherbrooke
(Le juge Lamoureux)

Demandeur jugé coupable d'une contravention à l'article 171 du *Code de la sécurité routière*.

Le 31 août 2004
Cour supérieure du Québec
(Le juge Fournier)

Appel du demandeur rejeté.

Le 5 octobre 2004
Cour d'appel du Québec
(Le juge Hilton)

Requête pour permission d'appeler du demandeur rejetée

Le 6 décembre 2004
Cour suprême du Canada

Demande d'autorisation d'appel déposée

30536 **Jeremy Seth Gurofsky v. Fanshawe College of Applied Arts and Technology, Ontario Public Service Employees Union** (Ont.) (Civil) (By Leave)

Coram: Major, Fish and Abella JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number M30948, dated June 30, 2004, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro M30948, daté du 30 juin 2004, est rejetée avec dépens.

NATURE OF THE CASE

Procedural law - Application for leave to appeal - Labour law - Collective agreement - Arbitration - Rights and powers of individual employees - Whether Court of Appeal properly dismissed the application for leave to appeal - Whether Article 32.05(H) of the collective agreement between the Respondents, properly interpreted, would allow an individual employee to present his or her own case at arbitration.

PROCEDURAL HISTORY

March 5, 2004
Ontario Superior Court of Justice
(Then, Caputo and Swinton JJ.A.)

Application for judicial review of Arbitration Board's finding that the Applicant does not have the right to present his own grievance under Article 32.05(H) of collective agreement, dismissed

June 30, 2004
Court of Appeal for Ontario
(Laskin, Charron and Lang JJ.A.)

Motion for leave to appeal dismissed

September 29, 2004
Supreme Court of Canada

Application for leave to appeal filed

30541 **Jeremy Seth Gurofsky v. Ontario Human Rights Commission, Fanshawe College of Applied Arts and Technology, Charles Middleton, Gail Rozell, Howard Rundle** (Ont.) (Civil) (By Leave)

Coram: Major, Fish and Abella JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number M31119, dated June 30, 2004, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro M31119, daté du 30 juin 2004, est rejetée avec dépens.

NATURE OF THE CASE

Procedural law - Application for leave to appeal - Statutes - Interpretation - *Ontario Human Rights Code*, R.S.O. 1990, c. H.10, s. 34(1)(a) - Whether Court of Appeal properly dismissed the application for leave to appeal - Whether a human rights commission is required to make any inquiry into the appropriateness of a parallel grievance procedure before refusing to deal with a complaint under s. 34(1)(a) on the basis that the complainant has access to such a procedure

PROCEDURAL HISTORY

March 5, 2004
Ontario Superior Court of Justice
(Then, Caputo and Swinton JJ.A.)

Application for judicial review of Human Rights Commission's decision not to deal with complaint pursuant to *Ontario Human Rights Code*, s. 34(1)(a), dismissed

June 30, 2004
Court of Appeal for Ontario
(Laskin, Charron and Lang JJ.A.)

Applicant's motion for leave to appeal dismissed

September 29, 2004
Supreme Court of Canada

Application for leave to appeal filed

30544 **Wilfred Shaw, Cameron Gillespie v. BCE Inc., Bell Canada International Inc.** (Ont.) (Civil) (By Leave)

Coram: Major, Fish and Abella JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C41300, dated July 23, 2004, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C41300, daté du 23 juillet 2004, est rejetée avec dépens.

NATURE OF THE CASE

Procedural law - Actions - Statement of Claim - Class proceedings - Whether the Court of Appeal erred in not finding that the Amended Statement of Claim discloses a cause of action and more specifically that material facts were omitted from the Right Offering Prospectus - Whether the Court of Appeal erred in not finding that the *Class Proceedings Act, 1992* applies to the facts - Whether the Court of Appeal erred in not finding that the courts have nullified the *Class Proceedings Act, 1992* by using various methods to limit its application.

PROCEDURAL HISTORY

May 14, 2003
Ontario Superior Court of Justice
(Farley J.)

Applicant Shaw's Statement of Claim struck with leave to amend, motion for certification of action as a class proceeding dismissed

January 5, 2004
Ontario Superior Court of Justice
(Farley J.)

Applicants' claims struck without leave to amend; Applicants' claims struck as purported class proceedings, without leave to amend

July 23, 2004
Court of Appeal for Ontario
(Sharpe, Simmons and Lang JJ.A.)

Appeal dismissed

September 29, 2004
Supreme Court of Canada

Application for leave to appeal filed

30582 **Jessica Darlene Greenhalgh v. ING Halifax Insurance Company** (Ont.) (Civil) (By Leave)

Coram: Major, Fish and Abella JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C40340, dated August 27, 2004, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C40340, daté du 27 août 2004, est rejetée avec dépens.

NATURE OF THE CASE

Statutes - Interpretation - Automobile Insurance - Standard of Review - In cold weather, car becomes stuck on rock - Driver and passenger walk from accident site, become lost, fall in river and driver loses boots - Driver and passenger found hours later - Driver suffers catastrophic impairment due to frostbite - Whether impairment is result of an "accident" as defined in s. 2(1) of the Ontario Regulation 403/96 - Whether insurer liable for no-fault benefits - Standard of appellate review.

PROCEDURAL HISTORY

July 11, 2003
Ontario Superior Court of Justice
(Kiteley J.)

Motion for stated case; Declaration impairment result of an "accident" as defined in *Statutory Accident Benefits Schedule* - *Accidents on or After November 1, 1996*, O.Reg. 403/96, s. 2(1)

August 27, 2004
Court of Appeal for Ontario
(Labrosse, Charron and Goudge JJ.A)

Appeal allowed

October 25, 2004
Supreme Court of Canada

Application for leave to appeal filed

30689 **Robert Stewart Cairns v. Her Majesty the Queen** (B.C.) (Criminal) (By Leave)

Coram: Major, Fish and Abella JJ.

The application for an extension of time is granted and the application for leave to appeal from the judgment of the Court of Appeal for British Columbia (Vancouver), Number CA030990, dated April 21, 2004, is dismissed.

La demande de prorogation de délai est accordée et la demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Colombie-Britannique (Vancouver), numéro CA030990, daté du 21 avril 2004, est rejetée.

NATURE OF THE CASE

Criminal law - Sentencing - Manslaughter - Whether the Court of Appeal erred in varying a sentence by judicially creating a category of offence of spousal manslaughter, failing to take into consideration the personal circumstances of the applicant, finding that the sentence imposed did not conform to the principle of uniformity of sentences, and failing to afford proper deference to the decision of the trial judge

PROCEDURAL HISTORY

June 11, 2003
Supreme Court of British Columbia
(Wilson J.)

Applicant convicted of manslaughter contrary to section 234 of the *Criminal Code* and sentenced to 4 years in prison

April 21, 2004
Court of Appeal for British Columbia
(Rowles (dissenting), Newbury and Levine JJ.A.)

Appeal allowed; sentence substituted for a term of seven years imprisonment

December 22, 2004
Supreme Court of Canada

Application for extension of time and leave to appeal filed

30572 **Chase Keller, by his next friend Arlene Keller, Arlene Keller v. Patricia A. Penkoske** (Alta.) (Civil)
(By Leave)

Coram: Bastarache, LeBel and Deschamps JJ.

The application for leave to appeal from the judgment of the Court of Appeal of Alberta (Edmonton), Number 0003-0047-AC, dated April 8, 2004, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Alberta (Edmonton), numéro 0003-0047-AC, daté du 8 avril 2004, est rejetée avec dépens.

NATURE OF THE CASE

Torts - Negligence - Battery - Medical malpractice - Whether the laws of informed consent, as enunciated in *Reibl v. Hughes* and *Arndt v. Smith* and battery are mutually exclusive - Procedural law - Appeals - Whether Applicants should have been offered the opportunity to address the deciding issues raised by the Court of Appeal, of its own initiative, without notice to the parties

PROCEDURAL HISTORY

November 30, 1999
Court of Queen's Bench of Alberta
(Lee J.)

Action against Respondent for medical malpractice dismissed

August 23, 2004
Court of Appeal of Alberta
(Berger, Wittmann and Ritter JJ.A.)

Appeal dismissed; Application for leave to re-argue appeal dismissed

October 21, 2004
Supreme Court of Canada

Application for leave to appeal filed

30606 **3460096 Canada Inc. v. Paris Glove of Canada Ltd.** (Que.) (Civil) (By Leave)

Coram: Bastarache, LeBel and Deschamps JJ.

The application for leave to appeal from the judgment of the Court of Appeal of Quebec (Montreal), Number 500-09-013201-033, dated September 7, 2004, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel du Québec (Montréal), numéro 500-09-013201-033, daté du 7 septembre 2004, est rejetée avec dépens.

NATURE OF THE CASE

Commercial Law - Administrative law - Contracts - Appeal - Whether the Court of Appeal of Quebec, by dismissing the trial judge's judgment, violated the fundamental principles of law that an appellate court should not, failing a manifest error, interfere with the findings and conclusions of fact of a trial judge - Whether the Court of Appeal decision violates the principles in *Lapointe v. Hôpital Le Gardeur*, [1992] 1 SCR 351.

PROCEDURAL HISTORY

February 5, 2003
Superior Court of Quebec
(Baker J.S.C.)

Respondent to pay the sum of \$ 48,638.81 with interest
plus the special indemnity to the Applicant

September 7, 2004
Court of Appeal of Quebec
(Otis, Rochette and Morissette JJ.A.)

Respondent's appeal allowed

November 3, 2004
Supreme Court of Canada

Application for leave to appeal filed

30663 **Her Majesty the Queen v. Patrick Sheridan** (Ont.) (Criminal) (By Leave)

Coram: Bastarache, LeBel and Deschamps JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C39023, dated October 5, 2004, is dismissed.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C39023, daté du 5 octobre 2004, est rejetée.

NATURE OF THE CASE

Criminal law - Appeal - Unreasonable verdict - Child complainant - Whether the Court of Appeal used the appropriate standard of review for unreasonable verdict - Whether the Court of Appeal rejected this Court's jurisprudence on the treatment of evidence of child witnesses - What is the proper distinction between credibility and reliability, particularly in assessing the evidence of children who are victims of sexual assault - Did the Court of Appeal err in failing to consider the Crown's complaint regarding the similar fact application at trial

PROCEDURAL HISTORY

August 28, 2002
Ontario Superior Court of Justice
(Hermiston J.)

Respondent convicted of four counts of sexual assault and
one count of touching for a sexual purpose contrary to the
Criminal Code

October 5, 2004
Court of Appeal for Ontario
(Armstrong, Blair and Juriensz JJ.A)

Appeal on one count of sexual assault and one count of
touching for a sexual purpose allowed; Applicant acquitted

December 6, 2004
Supreme Court of Canada

Application for leave to appeal filed

21.2.2005

Before / Devant: LEBEL J.

Motion to extend the time in which to file the factum and book of authorities of the intervener the Attorney General of Canada to February 25, 2005, and to present oral argument at the hearing of the appeal

Requête de l'intervenant le procureur général du Canada en prorogation du délai de dépôt de ses mémoire et recueil de sources jusqu'au 25 février 2005, et en vue de présenter une plaidoirie orale lors de l'audition de l'appel

UL Canada Inc.

v. (30065)

Attorney General of Quebec, et al. (Que.)

GRANTED / ACCORDÉE

21.2.2005

Before / Devant: THE CHIEF JUSTICE

Motion to state a constitutional question

Requête en formulation d'une question constitutionnelle

Olga Medovarski

v. (30332)

The Minister of Citizenship and Immigration (F.C.)

GRANTED / ACCORDÉE

UPON APPLICATION by the appellant for an order stating constitutional questions in the above appeal;

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT THE CONSTITUTIONAL QUESTIONS BE STATED AS FOLLOWS:

1. Does s. 196 of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, infringe s. 7 of the *Canadian Charter of Rights and Freedoms*?
 2. If so, is the infringement a reasonable limit prescribed by law as can be demonstrably justified in a free and democratic society under s. 1 of the *Canadian Charter of Rights and Freedoms*?
 1. L'article 196 de la *Loi sur l'immigration et la protection des réfugiés*, L.C. 2001, ch. 27, viole-t-il l'art. 7 de la *Charte canadienne des droits et libertés*?
 2. Dans l'affirmative, cette violation constitue-t-elle une limite raisonnable prescrite par une règle de droit et dont la justification peut se démontrer dans le cadre d'une société libre et démocratique, au sens de l'article premier de la *Charte canadienne des droits et libertés*?
-

21.2.2005

Before / Devant: THE CHIEF JUSTICE

Motion to state a constitutional question

Requête en formulation d'une question constitutionnelle

Julio Esteban

v. (30334)

The Minister of Citizenship and Immigration (F.C.)

GRANTED / ACCORDÉE

UPON APPLICATION by the appellant for an order stating constitutional questions in the above appeal;

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT THE CONSTITUTIONAL QUESTIONS BE STATED AS FOLLOWS:

1. Does s. 196 of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, infringe s. 7 of the *Canadian Charter of Rights and Freedoms*?
 2. If so, is the infringement a reasonable limit prescribed by law as can be demonstrably justified in a free and democratic society under s. 1 of the *Canadian Charter of Rights and Freedoms*?
 3. Does s. 196 of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, infringe s. 15 of the *Canadian Charter of Rights and Freedoms*?
 4. If so, is the infringement a reasonable limit prescribed by law as can be demonstrably justified in a free and democratic society under s. 1 of the *Canadian Charter of Rights and Freedoms*?
 1. L'article 196 de la *Loi sur l'immigration et la protection des réfugiés*, L.C. 2001, ch. 27, viole-t-il l'art. 7 de la *Charte canadienne des droits et libertés*?
 2. Dans l'affirmative, cette violation constitue-t-elle une limite raisonnable prescrite par une règle de droit et dont la justification peut se démontrer dans le cadre d'une société libre et démocratique, au sens de l'article premier de la *Charte canadienne des droits et libertés*?
 3. L'article 196 de la *Loi sur l'immigration et la protection des réfugiés*, L.C. 2001, ch. 27, viole-t-il l'art. 15 de la *Charte canadienne des droits et libertés*?
 4. Dans l'affirmative, cette violation constitue-t-elle une limite raisonnable prescrite par une règle de droit et dont la justification peut se démontrer dans le cadre d'une société libre et démocratique, au sens de l'article premier de la *Charte canadienne des droits et libertés*?
-

21.2.2005

Before / Devant: THE REGISTRAR

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

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

Canadian Pacific Railway Company

v. (30374)

City of Vancouver (B.C.)

GRANTED / ACCORDÉE

Time to serve and file the appellant's record, factum and book of authorities extended to May 3, 2005.

Time to serve and file the respondent's record, factum and book of authorities extended to July 12, 2005.

21.2.2005

Before / Devant: MAJOR J.

Motion to adjourn further the hearing of application for leave to appeal

Requête en nouvel ajournement de l'audition de la demande d'autorisation d'appel

Her Majesty the Queen in Right of the Province of Alberta, et al.

v. (30383)

Shirley Adrian, et al. (Alta.)

GRANTED / ACCORDÉE

UPON APPLICATION by the Attorney General of Canada for a further adjournment of the within application;

AND UPON the respondents consenting;

AND UPON REVIEWING the material filed;

IT IS HEREBY ORDERED THAT:

The application be granted in part and the within matter adjourned for sixty (60) days from February 23, 2005 to April 25, 2005.

21.2.2005

Before / Devant: LEBEL J.

Motion for additional time to present oral argument**Requête en prolongation du temps alloué pour la plaidoirie orale**

Kirkbi AG, et al.

v. (29956)

Ritvik Holdings Inc. / Gestions Ritvik Inc. (now
operating as Mega Bloks Inc.) (F.C.)**DISMISSED / REJETÉE**

AFTER READING THE MOTION of the appellants pursuant to Rules 3, 6, 8, 47 and 71(5)(a) of the *Rules of the Supreme Court of Canada*, SOR/2002-156, for an order providing the appellants and the respondent each with fifteen (15) minutes of additional time to present oral argument on the constitutional question at the hearing of this appeal, the supporting material and the factums filed by the parties;

The motion is dismissed.

The nature of the constitutional questions raised in our Court does not justify granting additional time for oral argument.

22.2.2005

Before / Devant: LEBEL J.

Motions for leave to intervene**Requêtes en autorisation d'intervenir**BY / PAR: Attorney General of Ontario
Attorney General of British Columbia
Attorney General of Alberta
Canadian Foundation for Children,
Youth and the LawIN / DANS: R.W.C., a young person within the
meaning of the *Youth Criminal
Justice Act*

v. (30302)

Her Majesty the Queen (Crim.) (N.S.)

GRANTED / ACCORDÉES

UPON APPLICATIONS by the Attorney General of Ontario, the Attorney General of British Columbia, the Attorney General of Alberta and the Canadian Foundation for Children, Youth and the Law for leave to intervene in the above appeal;

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The motion for leave to intervene of the applicant, Attorney General of Ontario, is granted and the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length on or before March 18, 2005.

The motion for leave to intervene of the applicant, Attorney General of British Columbia, is granted and the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length on or before March 18, 2005.

The motion for leave to intervene of the applicant, Attorney General of Alberta, is granted and the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length on or before March 18, 2005.

The motion for leave to intervene of the applicant, Canadian Foundation for Children, Youth and the Law, is granted and the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length on or before March 18, 2005.

The request to present oral argument is deferred to a date following the perfecting of the appeal.

The interveners shall not be entitled to raise new issues or adduce further evidence or otherwise to supplement the record of the parties.

Pursuant to Rule 59(1)(a) the interveners shall pay to the appellant and respondent any additional disbursements occasioned to the appellant and respondent by their intervention.

22.2.2005

Before / Devant: THE CHIEF JUSTICE

Motion to state a constitutional question

Requête en formulation d'une question constitutionnelle

Ivan Morris, et al.

v. (30328)

Her Majesty the Queen (B.C.)

GRANTED / ACCORDÉE

UPON APPLICATION by the appellants for an order stating constitutional questions in the above appeal;

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT THE CONSTITUTIONAL QUESTIONS BE STATED AS FOLLOWS:

1. Do ss. 27(1)(d) and (e) of the *Wildlife Act*, S.B.C., 1982, c. 57, constitutionally apply of their own force to the appellants in view of Parliament's exclusive legislative authority under s. 91(24) of the *Constitution Act, 1867*?
2. If not, do ss. 27(1)(d) and (e) of the *Wildlife Act*, S.B.C., 1982, c. 57, nonetheless apply to the appellants by virtue of s. 88 of the *Indian Act*, R.S.C. 1985, c. I-5?
1. Les alinéas 27(1)d) et e) de la *Wildlife Act*, S.B.C. 1982, ch. 57, sont-ils constitutionnellement applicables d'eux mêmes aux appelants, compte tenu de la compétence législative exclusive que le par. 91(24) de la *Loi constitutionnelle de 1867* confère au Parlement?

2. Dans la négative, les al. 27(1)*d*) et *e*) de la *Wildlife Act*, S.B.C. 1982, ch. 57, s'appliquent-ils néanmoins aux appelants par l'effet de l'art. 88 de la *Loi sur les Indiens*, L.R.C. 1985, ch. I-5?
-

22.2.2005

Before / Devant: THE REGISTRAR

Motion to extend the time in which to serve and file the respondent's response

Requête en prorogation du délai de signification et de dépôt de la réponse de l'intimée

W.S.

v. (30672)

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

GRANTED / ACCORDÉE Time extended to January 25, 2005.

24.2.2005

Before / Devant: MAJOR J.

Motion for extension of time and leave to intervene

Requête en prorogation de délai et en autorisation d'intervenir

BY / PAR: John Alexander Kimio ("Sandy") Vingoe

IN / DANS: Kirkbi AG, et al.

v. (29956)

Ritvik Holdings Inc./Gestion Ritvik Inc., (now operating as Mega Bloks Inc.) (F.C.)

DISMISSED WITH COSTS / REJETÉE AVEC DÉPENS

UPON APPLICATION by John Alexander Kimio ("Sandy") Vingoe for an extension of time to apply for leave to intervene and for leave to intervene in the above appeal;

AND HAVING READ the material filed;

IT IS HEREBY ORDERED THAT:

The motion for an extension of time to apply for leave to intervene and for leave to intervene of the applicant, John Alexander Kimio (“Sandy”) Vingoe, is dismissed with costs to the respondent.

24.2.2005

Before / Devant: MAJOR J.

Further order on motions for leave to intervene**Autre ordonnance relative à des requêtes en autorisation d'intervenir**

BY / PAR: Attorney General of Alberta
Attorney General for Saskatchewan
Blueberry River First Nations
Big Island Lake Cree Nation
Assembly of First Nations
Treaty 8 Tribal Association
Treaty 8 First Nations of Alberta
Lesser Slave Lake Indian Regional
Council

IN / DANS: Mikisew Cree First Nation

v. (30246)

Sheila Copps, Minister of Canadian
Heritage et al. (F.C.)

FURTHER TO THE ORDER of Major J. dated January 17, 2005, granting leave to intervene to the Attorney General of Alberta, the Attorney General for Saskatchewan, the Blueberry River First Nations, the Big Island Lake Cree Nation, the Assembly of First Nations, the Treaty 8 Tribal Association, the Treaty 8 First Nations of Alberta and Lesser Slave Lake Indian Regional Council;

IT IS HEREBY FURTHER ORDERED THAT the said interveners are each granted permission to present oral argument not exceeding ten (10) minutes at the hearing of the appeal.

28.2.2005

Order - Adjournment of appeals**Ordonnance - ajournement des appels**

Francisco Batista Pires

v. (30151)

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

and between

Ronaldo Lising

v. (30240)

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

THE CHIEF JUSTICE:

The hearing of the above mentioned appeals is adjourned to May 18, 2005.

Attorneys general intervening in these appeals under Rule 61 shall serve and file their factums and books of authorities on or before April 18 2005.

1.3.2005

Order - Adjournment of appeals**Ordonnance - ajournement des appels**

Olga Medovarski

v. (30332)

The Minister of Citizenship and Immigration (F.C.)

and between

Julio Esteban

v. (30334)

The Minister of Citizenship and Immigration (F.C.)

LEBEL J.:

The hearing of the above mentioned appeals is adjourned to June 7, 2005.

It is hereby ordered that service and filing of documents shall be as follows:

- i) the appellants' facta, records and book of authorities shall be served and filed by March 24, 2005.
 - ii) any person interested in applying for leave to intervene shall serve and file their motion by April 1, 2005.
 - iii) the respondent's factum, record and book of authorities shall be served and filed by May 13, 2005.
 - iv) any interveners under Rule 55 or Rule 60, shall serve and file their factum and book of authorities by May 13, 2005.
 - v) the appeal is scheduled to be heard on June 7, 2005.
-

**NOTICES OF INTERVENTION FILED
SINCE LAST ISSUE**

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

18.02.2005

BY/PAR: Attorney General of Ontario

IN/DANS: **Francisco Batista Pires**

v. (30151)

Her Majesty the Queen (B.C.)

18.02.2005

BY/PAR: Attorney General of Ontario

IN/DANS: **Ronaldo Lising**

v. (30240)

Her Majesty the Queen (B.C.)

22.02.2005

BY/PAR: Attorney General of New Brunswick

IN/DANS: **Her Majesty the Queen**

v. (30319)

Dennis Rodgers (Ont.)

23.02.3005

BY/PAR: Attorney General of British Columbia

IN/DANS: **Francisco Batista Pires**

v. (30151)

Her Majesty the Queen (B.C.)

23.02.2005

BY/PAR: Procureur général du Québec

IN/DANS: **Her Majesty the Queen**

v. (30319)

Dennis Rodgers (Ont.)

23.02.3005

BY/PAR: Attorney General of British Columbia

IN/DANS: **Ronaldo Lising**

v. (30240)

Her Majesty the Queen (B.C.)

24.02.2005

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

IN/DANS: **Attorney General of British Columbia**

v. (30317)

Lafarge Canada Inc., et al. (B.C.)

24.02.2005

BY/PAR: Attorney General of Ontario
Attorney General of Quebec
Attorney General of Nova Scotia
Attorney General of Newfoundland and Labrador

IN/DANS: **Imperial Tobacco Canada Limited, et al.**

v. (30411)

Her Majesty the Queen in right of British Columbia, et al. (B.C.)

24.02.2005

BY/PAR: Attorney General of Canada

IN/DANS: **Her Majesty the Queen**

v. (30319)

Dennis Rodgers (Ont.)

25.02.2005

BY/PAR: Attorney General of Manitoba

IN/DANS: **Imperial Tobacco Canada Limited, et al.**

v. (30411)

Her Majesty the Queen in right of British Columbia, et al. (B.C.)

**NOTICE OF DISCONTINUANCE
FILED SINCE LAST ISSUE**

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

25.2.2005

Najeeb Khalid

v. (30610)

René G. Lépine, et al. (Que.)

(Appeal)

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
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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
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- 2005 -

JANUARY - JANVIER						
S D	M L	T M	W M	T J	F V	S S
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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
13	14	15	16	17	18	19
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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
13	14	15	16	17	18	19
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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10	M 11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

MAY - MAI						
S D	M L	T M	W M	T J	F V	S S
1	2	3	4	5	6	7
8	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:

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