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**APPLICATIONS FOR LEAVE TO  
APPEAL FILED**

**Donahue Morgan**  
Paul Slansky

v. (23579)

**Her Majesty The Queen (Ont.)**  
Dept. of Justice

FILING DATE 14.12.1993

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**Gabriel Tardi and Atomic Slipper Co. Ltd.**

c. (23872)

**Banque nationale du Canada et al. (Qué.)**  
Maurice Lebel  
Leduc & Lebel

DATE DE PRODUCTION 29.11.1993

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**Tvetanka Moutisheva et al.**  
Michel Le Brun

c. (23884)

**Le Solliciteur général du Canada (C.A.F.)**  
Joanne Granger  
Min. de la Justice

DATE DE PRODUCTION 2.12.1993

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**MacMillan Bloedel Ltd. et al.**  
Christopher Harvey, Q.C.  
Russell & DuMoulin

v. (23899)

**John Richard Ludbrooke Youell et al. (B.C.)**  
Murray Clemens  
Campney and Murphy

FILING DATE 6.12.1993

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**DEMANDES D'AUTORISATION  
D'APPEL PRODUITES**

**Dhanasar Samsoodar**  
David H. Davis  
D'Arcy and Deacon

v. (23900)

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

Mark Mason  
Dept. of Justice

FILING DATE 13.12.1993

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**The Manufacturers Life Insurance Co.**  
Geoffrey Aylward  
Aylward, Chislett

v. (23901)

**Marystown Shipyard Ltd. et al. (Nfld.)**  
Ronald S. Noseworthy, Q.C.  
O'Reilly, Noseworthy

FILING DATE 14.12.1993

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**Ranjit Gill**  
Anthony H. Zipp  
Zipp & Co.

v. (23903)

**Her Majesty The Queen (B.C.)**  
Leonard T. Doust, Q.C.  
McCarthy, Tétrault

FILING DATE 15.12.1993

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**L'Industrielle-Alliance, compagnie  
d'assurance-vie**  
René Vallerand  
Hudon, Gendron Harris, Thomas

c. (23824)

**Rejean Deslauriers et al. (Qué.)**  
Marc Savoie  
Fournier, Demers

DATE DE PRODUCTION 15.12.1993

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**Merck & Co., Inc. et al.**

W. Ian C. Binnie, Q.C.  
McCarthy, Tétrault

v. (23905)

**Apotex Inc. et al. (F.C.A.) (Ont.)**

H.B. Radomski  
Goodman & Goodman

FILING DATE 17.12.1993

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**Sa Majesté La Reine**

Jacques Mercier  
Subs. du procureur général

c. (23906)

**Renaud Charbonneau (Qué.)**

Daniel Jouis  
Besnier, Parvu, Dion, Jouis, Lévesque & Aubry

DATE DE PRODUCTION 15.12.1993

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**Her Majesty The Queen**

David Butt  
Min. of the A.G.

v. (23913)

**Allan Peter Hawkins et al (Ont.)**

Robert J. Upsdell

FILING DATE 17.12.1993

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**Daniel Lewis Gyori**

Larry L. Ross  
Ross, Hepner, Baker & Ross

v. (23907)

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

B. Rosborough  
Agent for Alberta Justice

FILING DATE 13.12.1993

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**Stella Castaldo**

Neil Finkelstein  
Blake, Cassels & Graydon

v. (23908)

**Dominic Lento et al. (Ont.)**

Anthony J. Potestio  
Christie, Potestio, McDonald

FILING DATE 20.12.1993

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**Gordon Tempelaar**

Louis Sokolov

v. (23909)

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

Crown Law Office - Criminal  
A.G. of Ontario

FILING DATE 16.12.1993

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**Her Majesty The Queen**

Graham J. Sleeth, Q.C.  
Dept. of Justice

v. (23910)

**Terrence Joseph Perry (Crim.)(N.B.)**

David M. Lutz, Q.C.  
Lutz, Longstaff & Richards

FILING DATE 16.12.1993

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**Coalition of Citizens for a Charter Challenge**

H. Scott Fairley  
Lang Michener

v. (23911)

**Metropolitan Authority et al. (N.S.)**

Thomas P. Donovan  
Cox Downie

FILING DATE 20.12.1993

**Joe Wallace Smith Jr.**

Virginia May, Q.C.  
Burnet, Duckworth & Palmer

v. (23915)

**Henry Alexander Dahl et al. (Alta.)**

John R. Shaw

FILING DATE 13.12.1993

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

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

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**DECEMBER 14, 1993 / LE 14 DÉCEMBRE 1993**

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

**Richard Walsh, R.C. Cooper, Johnson & Higgins Ltée.**

**v. (23846)**

**Gaitan & Cusack (Qué.)**

**NATURE OF THE CASE**

Procedural law - Pre-trial procedure - Statutes - Interpretation - Objections made during the examination of witnesses dismissed by the Superior Court of Quebec - Whether the Court of Appeal erred in the interpretation and application of the Quebec *Business Concerns Records Act*, R.S.Q. 1977, c. D-12, in particular ss. 1 and 2.

**PROCEDURAL HISTORY**

January 14, 1993  
Superior Court of Quebec  
(Hesler J.)

Objections dismissed

September 13, 1993  
Court of Appeal of Quebec  
(LeBel, Gendreau and Moisan (*ad hoc*) [dissenting]  
JJ.A.)

Appeal allowed in part

November 12, 1993  
Supreme Court of Canada

Application for leave to appeal filed

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**DECEMBER 22, 1993 / LE 22 DÉCEMBRE 1993**

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

**Eric Ralph Biddle**

**v. (23885)**

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

**NATURE OF THE CASE**

Criminal law - Evidence - Eye-witness identification evidence - Whether the Court of Appeal erred in law in holding that the charge to the jury was legally sufficient to guard against the risk of conviction based on eye-witness identification evidence - Whether the Court of Appeal erred in law in holding that the verdict of the jury was not unreasonable or

unsupported by the evidence and in applying the wrong test and taking into account the failure of the Applicant to testify in the determination of that issue.

**PROCEDURAL HISTORY**

December 21, 1987 District Court of Ontario (Sheard J.)	Conviction: Break and enter and committing an assault causing bodily harm with further count of choking with intent to commit an indictable offence
October 25, 1993 Court of Appeal for Ontario (Goodman, Krever and Abella JJ.A.)	Appeal dismissed
November 29, 1993 Supreme Court of Canada	Application for leave to appeal filed

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**Enoch Bempong**

**v. (23856)**

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

**NATURE OF THE CASE**

Criminal law - Narcotics - Trial - Evidence - Applicant tried on an indictment charging him with the offences of conspiracy to import heroin and conspiracy to traffic in heroin - Applicant convicted of conspiracy to import heroin and verdict of acquittal directed on the charge of conspiracy to traffic in heroin - Whether the Court of Appeal erred in determining that the Applicant was not prejudiced by the fact that he was cross-examined by Crown counsel in relation to the charge of conspiracy to traffic, despite the subsequent directed verdict of acquittal in relation to that charge, and the lack of any cautionary instructions to the jury, directing them to disregard that evidence and/or to presume the Applicant to be innocent of those allegations - Whether the inference which the jury was asked to draw from the circumstances surrounding the delivery of the woman and the property to Agent Bell, was in law an invitation to the jury to engage in unlawful speculation - *Grdic v. The Queen*, [1985] 1 S.C.R. 810.

**PROCEDURAL HISTORY**

December 4, 1991 Ontario Court, General Division (Langdon J.)	Conviction: conspiracy to import heroin Acquittal: conspiracy to traffic in heroin
September 22, 1993 Court of Appeal for Ontario (Robins, Labrosse and Weiler JJ.A.)	Appeal against conviction and sentence dismissed
November 19, 1993 Supreme Court of Canada	Application for leave to appeal filed

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**David Lynn Bishop**

**v. (23871)**

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

**NATURE OF THE CASE**

*Canadian Charter of Rights and Freedoms* - Criminal law - Sentencing - Detention - Whether the Alberta Court of Appeal erred in law in not finding that Applicant's constitutional rights, guaranteed by s. 12 of the *Canadian Charter of Rights and Freedoms*, were violated or infringed by the imposition of the sentence of indeterminate incarceration - If the answer is in the affirmative, whether the Court of Appeal erred in law in not applying the provisions of s. 24(1) of the *Canadian Charter of Rights and Freedoms* and, as a remedy thereunder, in imposing a determinate sentence on the Applicant.

**PROCEDURAL HISTORY**

January 23, 1992 Court of Queen's Bench (Yanosik J.)	Applicant declared a dangerous offender pursuant to s. 753 of the <i>Criminal Code</i>
October 7, 1993 Court of Appeal of Alberta (Stratton, O'Leary and Conrad, JJ.A.)	Appeal dismissed
November 30, 1993 Supreme Court of Canada	Application for leave to appeal filed

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**Rodger Bell**

**v. (23756)**

**Regina (B.C.)**

**NATURE OF THE CASE**

Constitutional law - Criminal law - Municipal law - Statutes - Municipal corporations - Statutory instruments - By-laws - Statutory authority - Whether the municipality exceeded its powers under Section 932 of the *Municipal Act*, (1979) R.S.B.C. c. 290, in designating every pit-bull terrier or other type of pit-bull as a "vicious dog" which has to be muzzled in public, without regard to its actual character or propensity.

**PROCEDURAL HISTORY**

April 21, 1992 Provincial Court at Port Coquitlam (Pendleton J.)	Conviction: Three charges under the District of Coquitlam Pound Bylaw of walking his Pit Bull Terrier unmuzzled in a public place
October 5, 1993 Supreme Court of British Columbia (Coultas J.)	Summary conviction appeal dismissed

January 15, 1993  
Court of Appeal for British Columbia  
(Southin J.A., in chambers)

Leave to appeal on one ground allowed

June 8, 1993  
Court of Appeal for British Columbia  
(Hutcheon, Taylor and Prowse JJ.A.)

Appeal dismissed

November 29, 1993  
Supreme Court of Canada

Application for leave to appeal and for an extension  
of time filed

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**Neil Van Boeyen**

**v. (23805)**

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

**NATURE OF THE CASE**

Criminal law - *Canadian Charter of Rights and Freedoms* - Procedural law - Evidence - Applicant charged with one count of sexual assault, two counts of sexual assault with a weapon, one count of attempted sexual assault, three counts of kidnapping and one count of attempted kidnapping, with respect to four complainants - Whether the Court of Appeal erred in failing to find that the Applicant's rights under the *Charter* had been violated and his statements improperly admitted into evidence - Whether the Court of Appeal erred in finding that the photo line-up used for identification was fair - Whether the Court of Appeal erred in finding that the trial judge properly directed himself on the discrepancies in the evidence of identification - Whether the Court of Appeal erred in agreeing with the trial judge's reasoning that S.'s attacker must have been the attacker of P. - Whether the Court of Appeal erred in applying s. 686(1)(b)(iii) of the *Criminal Code* - Whether the Applicant can adduce fresh evidence before the Supreme Court of Canada.

**PROCEDURAL HISTORY**

March 24, 1992  
Supreme Court of British Columbia  
(Rowan J.)

Convictions: sexual assault; sexual assault with a  
weapon and kidnapping

August 10, 1993  
Court of Appeal for British Columbia  
(McEachern C.J., Hutcheon and Goldie JJ.A.)

Appeal against conviction dismissed

November 5, 1993  
Supreme Court of Canada

Application for leave to appeal filed

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

**Donald E. Craig**

**v. (23828)**



**Rosemary Lahey, Executrix, Estate of Edward J. Lahey,  
and in her own right (N.B.)**

**NATURE OF THE CASE**

Torts - Procedural law - Actions - Appeals - Physicians and surgeons - Did Court of Appeal err in conducting trial *de novo* and making findings of fact without seeing witnesses; thereby reaching conclusions as to Applicant's liability.

**PROCEDURAL HISTORY**

February 7, 1992 Court of Queen's Bench (McLellan J.)	Respondent's action for damages against Applicant dismissed; action against St. Joseph's hospital allowed with costs on a solicitor and client basis
September 13, 1993 Court of Appeal of New Brunswick (Hoyt C.J.N.B. and Angers and Ayles JJ.A.)	Trial judgment set aside: Hospital found jointly and severally liable with Applicant
November 8, 1993 Supreme Court of Canada	Application for leave to appeal filed

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**Rosemary Lahey, Executrix, Estate of Edward J. Lahey, and in her own right**

**v. (23828)**

**Donald E. Craig and St. Joseph's Hospital (N.B.)**

**NATURE OF THE CASE**

Torts - Procedural law - Actions - Appeals - Physicians and surgeons - Costs - Did Court of Appeal err in interfering with trial judge's award of solicitor and client costs.

**PROCEDURAL HISTORY**

February 7, 1992 Court of Queen's Bench (McLellan J.)	Applicant's action for damages against Respondent Craig dismissed; action against Respondent St. Joseph's hospital allowed with costs on a solicitor and client basis
September 13, 1993 Court of Appeal of New Brunswick (Hoyt C.J.N.B. and Angers and Ayles JJ.A.)	Trial judgment set aside: Respondents found to be jointly and severally liable for Applicant's damages; Respondent Hospital's appeal on issue of costs allowed
November 8, 1993 Supreme Court of Canada	Application for leave to appeal filed

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**St. Joseph's Hospital, Saint John, New Brunswick, a body corporate**

**v. (23828)**

**Rosemary Lahey, Executrix, Estate of Edward J. Lahey,  
and in her own right**

**and**

**Donald E. Craig (N.B.)**

**NATURE OF THE CASE**

Torts - Procedural law - Actions - Appeals - Physicians and surgeons - Did Court of Appeal err in not ordering a new trial once it found that the trial judgment could not be upheld? -Did Court of Appeal err in conducting trial *de novo*?

**PROCEDURAL HISTORY**

February 7, 1992  
Court of Queen's Bench  
(McLellan J.)

Respondent Lahey's action for damages against  
Applicant allowed with costs on a solicitor and client  
basis

September 13, 1993  
Court of Appeal of New Brunswick  
(Hoyt C.J.N.B. and Angers and Ayles JJ.A.)

Trial judgment set aside: Applicant found jointly  
and severally liable with Respondent Craig;  
Applicant's appeal allowed on issue of costs

November 12, 1993  
Supreme Court of Canada

Application for leave to appeal filed

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**Canadian Broadcasting Corporation and Pacific Press Limited**

**v. (23837)**

**Louise Pierre (B.C.)**

**NATURE OF THE CASE**

Torts - Procedural Law - Crown - Actions - Civil Procedure - Damages - Trial - Trial without a jury in a proceedings against the Crown - Whether this Court's decision *National Harbours Board v. Langelier*, [1969] S.C.R. 60, means, as held by the Court of Appeal for British Columbia, that agents of the Crown, individual or corporate, are disentitled in tort actions to rely on the special defences and procedures of the Crown as provided by the *Crown Liability and Proceedings Act*, S.C. 1990, c. 8 ("CPLA") and, in particular, from relying upon s. 26 of the CPLA which prohibits jury trials as against the Crown, even where, as in this case, any damages recovered against the Crown agent would be ultimately recovered from the assets of the Crown - Whether the Court should strive to avoid two modes of trial within the same action by the same trial judge, one with a jury and one without a jury.

**PROCEDURAL HISTORY**

June 15, 1992 Supreme Court of British Columbia (Saunders J.)	Applicants' motions to have the proceeding heard by a judge without a jury dismissed
July 8, 1992 Court of Appeal for British Columbia (Cumming J.A.)	Application for leave to appeal by each of the Applicants allowed
September 10, 1993 Court of Appeal for British Columbia (McEachern C.J.B.C., Taylor and Goldie JJ.A.)	CBC's appeal dismissed Pacific Press Ltd.'s appeal adjourned
November 8, 1993 Supreme Court of Canada	Applications for leave to appeal filed by each of the Applicants

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**Tamara Arndt**

**v. (23854)**

**Hans-Joachim Arndt (Ont.)**

**NATURE OF THE CASE**

Family law - Division of property - Divorce - Applicant ordered to make an equalization payment based on valuation date property value - Real estate market declining considerably in the period between the valuation date and the date of trial - Whether a constructive trust is available to redress unfairness caused by post-separation events, such as a decrease in property values - Whether the *Family Law Act (Ontario)*, R.S.O. c. F-3 permits the consideration of post-separation events, such as decline in property values - The nature of the relationship between the doctrine of constructive trust and s. 5(6) of the *Family Law Act (Ontario)* concerning post-separation events - Application of *Rawluk v. Rawluk*, [1990] 1 S.C.R. to the issue of post-separation events and specifically a post-separation decline in property value.

**PROCEDURAL HISTORY**

October 25, 1991  
Ontario Court of Justice  
(General Division) (Conant J.)

Order: Equalization payment of \$589,000 made to Respondent; constructive trust refused

October 12, 1993  
Ontario Court of Appeal (Krever, Labrosse and Weiler (dissenting in part) J.J.A.)

Appeal dismissed

November 17, 1993  
Supreme Court of Canada

Application for leave to appeal filed

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**Leone Liberati and James L. Labonte**

**v. (23869)**

**The Canada Employment and Immigration Commission  
The Attorney General of Canada (F.C.A.)(Ont.)**

**NATURE OF THE CASE**

Statutes - Interpretation - Unemployment insurance - Treatment of vacation pay for purposes of unemployment insurance benefits - Whether the Federal Court of Appeal's decisions respecting the treatment of vacation pay appear to be inconsistent, are in conflict, and are not in line with the decision of this Court in *Bryden v. Canada Employment and Immigration Commission*, [1982] 1 S.C.R. 443, and have the affect of treating individuals in identical situations differently.

**PROCEDURAL HISTORY**

April 25, 1990  
Board of Referees

Appeals against the Commission's decisions allowed

February 10, 1992  
Umpire  
(Rouleau J.)

Appeal allowed

September 29, 1993  
Federal Court of Appeal  
(Hugessen and McDonald J.J.A.  
and Gray D.J.)

Section 28 application dismissed

November 29, 1993  
Supreme Court of Canada

Application for leave to appeal filed

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**Leonard J. Otto and Elsie V. Comin**

**v. (23840)**

**Hamilton & Olsen Surveys Ltd. (Alta.)**

**NATURE OF THE CASE**

Labour law - Pensions - Whether the Court of Appeal erred in holding that the Respondent's unilateral reduction in the pension and vacation benefit terms of the employment contracts did not constitute constructive dismissal of the Applicants - Whether the Court of Appeal erred by holding that the Respondent's economic circumstances justified its unilateral change to the employment contracts of the Applicants - Law governing employment and the termination of employment found to be of central importance to Canadian society in *Machtinger v. HOJ Industries Ltd.*, [1992] 1 S.C.R. 986.

**PROCEDURAL HISTORY**

December 2, 1992 Court of Queen's Bench of Alberta (Smith J.)	Applicants' actions for wrongful dismissal allowed
September 10, 1993 Court of Appeal for Alberta (McClung, Belzil and Irving JJ.A.)	Appeal allowed
November 8, 1993 Supreme Court of Canada	Application for leave to appeal filed

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

**The Canadian Life and Health Insurance Compensation Corporation/  
La Société canadienne d'indemnisation pour les assurances de personnes**

**Applicant**

**v. (23746)**

**Les Services de santé du Québec (SSQ, Mutuelle d'assurance groupe),  
Mutuelle des fonctionnaires du Québec,  
Association d'hospitalisation du Québec,  
Aeterna-Vie Compagnie d'assurance,  
Canassurance, Compagnie d'assurance-vie Inc.,  
L'Union-vie, Compagnie Mutuelle d'assurance,  
Provinces-unies, Compagnie d'assurance,  
L'Entraide, Assurance-vie société de secours mutuels,  
La Québécoise promutuel-vie Inc.,  
La Mutualité, Société d'assurance-vie Inc.,  
La Personnelle vie, Corporation d'assurance,  
L'Excellence, Compagnie d'assurance-vie**

**Respondents**

**and**

**La Compagnie d'assurance-vie Manufacturers,  
La Nord-Américaine, Compagnie d'assurance-vie,  
La Confédération, Compagnie d'assurance-vie,**

**La Compagnie d'assurance-vie, Union commerciale du Canada,  
La Mutuelle du Canada, Compagnie d'assurance sur la vie,  
London Life, Compagnie d'assurance-vie,  
L'Equitable, Compagnie d'assurance-vie du Canada,  
Seaboard Life Insurance Company,  
NN Life Insurance Company of Canada (Qué.)**

**Applicants (Interveners in the Court of Appeal)**

**NATURE OF THE CASE**

Commercial law - Contracts - Insurance - Bankruptcy - Interpretation of a contract - Interventions - Whether the courts below erred in law in their interpretation of the Memorandum of Operation - Whether the Applicant's assessment procedure allowed it to levy assessments resulting in a refund of other assessments previously levied in certain assessment bases - Whether the Interveners (Applicants in this Court) could raise, in support of the Applicant's position, grounds that were not raised by the Applicant in the Court of Appeal.

**PROCEDURAL HISTORY**

April 28, 1992 Superior Court of Quebec (Coriveau S.C.J.)	Respondent's motion for declaratory judgment granted
February 15, 1993 Court of Appeal of Quebec (LeBel and Fish, J.J.A., and Chevalier [ <i>ad hoc</i> ])	Compagnie d'Assurance-vie Manufacturers' motion for intervention granted;
August 3, 1993 Court of Appeal of Québec (Tyndale, Brossard and Rousseau-Houle, J.J.A.)	Appeal dismissed; Interventions dismissed
October 22, 1993 Supreme Court of Canada (Gonthier J.)	Motion by the Applicants and by the Interveners to extend the delay to file their applications for leave to appeal to November 30, 1993, granted
November 29, 1993 Supreme Court of Canada	Application for leave to appeal by the Interveners filed
November 30, 1993 Supreme Court of Canada	Application for leave to appeal filed

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**Marc Gilbert**

**c. (23723)**

**Sa Majesté la Reine (C.A.F.)**

**NATURE DE LA CAUSE**

Droit fiscal - Impôt sur le revenu - Calcul du revenu - Cotisation - Paragraphe 146(8.3) de *Loi de l'impôt sur le revenu* - En 1987, le demandeur a versé une somme de 6 500 \$ dans R.E.E.R. de son épouse - En 1989, l'épouse du demandeur a retiré cette somme de son R.E.E.R - Est-ce que le ministre du Revenu national a eu raison d'ajouter un montant de 6 500 \$ au revenu du demandeur pour son année d'imposition 1989, en application du paragraphe 146(8.3) de la *Loi*?

**HISTORIQUE PROCÉDURAL**

Le 16 janvier 1992 Cour canadienne de l'impôt (Proulx j.)	Appel de la cotisation établie en vertu de la <i>Loi de l'impôt sur le revenu</i> pour l'année d'imposition 1989 rejeté
Le 3 février 1993 Cour d'appel fédérale (Hugessen, Desjardins et Décary jj.c.a.)	Demande de contrôle judiciaire rejetée
Le 18 mai 1993 Cour d'appel fédérale (Hugessen, Desjardins et Décary jj.c.a.)	Demande de reconsidération rejetée
Le 15 novembre 1993 Cour suprême du Canada	Demande d'autorisation d'appel et de prorogation de délai déposée

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**Jacky Ouaknine**

**c. (23858)**

**Sylvia Cohen (Qué.)**

**NATURE DE LA CAUSE**

Droit de la famille - Divorce - Partage des biens - Preuve - Prestation compensatoire - Le juge de première instance a-t-il mal apprécié la preuve? - Le juge de première instance a-t-il erré en ignorant les deux contrats de mariage des parties sous le régime matrimonial de la séparation de biens? - Le juge de première instance a-t-il erré en effectuant à toutes fins pratiques un partage presque égal des biens restant du demandeur?

**HISTORIQUE PROCÉDURAL**

Le 19 juin 1992 Cour supérieure du Québec (Lévesque j.c.s.)	Ordonnance de divorce: Demandeur doit payer 60,000\$ à titre de prestation compensatoire à l'intimée
Le 15 septembre 1993 Cour d'appel du Québec (Beauregard, Nichols et Gendreau jj.c.a.)	Appelrejeté
Le 12 novembre 1993 Cour suprême du Canada	Demande d'autorisation déposée

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**Yvon Descôteaux**

**c. (23863)**

**Banque Nationale du Canada (Qué.)**

**et**

**Solange Janvier, Sandro Pasquale, Diego Pasquale et  
Le registrateur de la division d'enregistrement de Laval**

**NATURE DE LA CAUSE**

Procédure - Code civil - Action de l'intimée en dation en paiement - Jugement rendu par défaut du demandeur de se présenter - Appel du demandeur de la décision sur l'action en dation en paiement et de la décision sur la requête en rétractation - Requête de l'intimée en cautionnement pour garantir les frais accueillie - Défaut du demandeur de verser le cautionnement requis - Requête de l'intimée en rejet d'appel accueillie - Quel est le sens du cautionnement prévu à l'article 497 du *Code de procédure civile* du Québec? - Est-ce que l'article 497 *C.P.C.* est *ultra vires* en vertu des chartes - Pourquoi fournir un cautionnement si la valeur en litige est suffisante? - Est-ce que le certificat de défaut de fournir le cautionnement non signé par l'officier autorisé est valide? - Est-ce que l'obligation de fournir un cautionnement va à l'encontre de la justice? - Est-ce que la Cour suprême du Canada peut relever le demandeur de son défaut de fournir le cautionnement et lui permettre de le fournir?

**HISTORIQUE PROCÉDURAL**

Le 23 juin 1992  
Cour supérieure du Québec  
(Deslongchamps J.C.S.)

Jugement par défaut est rendu contre le demandeur dans une action en dation en paiement

Le 6 octobre 1992  
Cour d'appel du Québec  
(Beauregard J.C.A.)

Requête en cautionnement de l'intimée accueillie

Le 19 août 1993  
Cour suprême du Canada  
(L'Heureux-Dubé, Sopinka et Gonthier J.C.S.)

Demande d'autorisation d'appel déposée relativement au jugement de la Cour d'appel du 6 octobre 1992 rejetée

Le 15 septembre 1993  
Cour d'appel du Québec  
(Chamberland J.C.A.)

Requête de l'intimée en rejet d'appel pour défaut de fournir le cautionnement accueillie; Appel rejeté

Le 15 novembre 1993  
Cour suprême du Canada

Demande d'autorisation d'appel déposée relativement au jugement de la Cour d'appel du 15 septembre 1993

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**1229-1605 Québec Inc.**

**c. (23880)**

**Marché A.J.T. Inc. (Qué.)**

**NATURE DE LA CAUSE**



Procédure - Procédure civile - Appel - La Cour d'appel a-t-elle appliqué correctement les principes juridiques devant prévaloir en matière de rejet d'appel en raison de son caractère abusif ou dilatoire? - Peut-il exister autorité de la chose jugée entre d'une part, le jugement d'un tribunal de première instance déterminant qui, du locataire ou du locateur, doit supporter les coûts d'exploitation d'un centre commercial en vertu d'un bail et, d'autre part, l'interprétation dudit bail quant à la fixation d'un loyer maximum?

**HISTORIQUE PROCÉDURAL**

Le 16 juin 1993  
Cour supérieure du Québec  
(Denis j.c.s.)

Action en remboursement accueillie

Le 5 octobre 1993  
Cour d'appel du Québec  
(LeBel, Delisle et Otis jj.c.a.)

Requête en rejet d'appel accordée

Le 3 décembre 1993  
Cour suprême du Canada

Demande d'autorisation d'appel déposée

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**JUDGMENTS ON APPLICATIONS  
FOR LEAVE**

**JUGEMENTS RENDUS SUR LES  
DEMANDES D'AUTORISATION**

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DECEMBER 23, 1993 / LE 23 DÉCEMBRE 1993

**23455 PERFORMING RIGHTS ORGANIZATION OF CANADA LTD. and COMPOSERS, AUTHORS AND PUBLISHERS ASSOCIATION OF CANADA LTD. v. CANADIAN TELEVISION NETWORK LTD. (CTV) and THE COPYRIGHT BOARD** (F.C.A.) (Ont.)

CORAM: La Forest, Cory and Iacobucci JJ.

The application for leave to appeal is dismissed with costs.

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

**NATURE OF THE CASE**

Administrative law - Broadcasting - Tariff amendment - Jurisdiction - Prerogative writs - Writ of prohibition - *Copyright Act*, R.S., c. C-30, ss. 3(1)(f), 67 - Whether Court of Appeal erred in failing to hold that commercial television networks, in light of the *Act*, are required to pay royalties for the use of musical works when those works form part of television network programming broadcast by affiliate stations - Whether Court of Appeal erred in failing to hold that statutory foundation for jurisdiction of Copyright Board regarding Tariff 2.A.2 is found in s. 67 of the *Act*.

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**23456 PERFORMING RIGHTS ORGANIZATION OF CANADA LTD. and COMPOSERS, AUTHORS AND PUBLISHERS ASSOCIATION OF CANADA LTD. v. CANADIAN TELEVISION NETWORK LTD. (CTV) and THE COPYRIGHT BOARD** (F.C.A.) (Ont.)

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**23457 CANADIAN CABLE TELEVISION ASSOCIATION v. THE COPYRIGHT BOARD, PERFORMING RIGHTS ORGANIZATION OF CANADA LTD. and COMPOSERS, AUTHORS AND PUBLISHERS ASSOCIATION OF CANADA LTD.** (F.C.A.) (Ont.)

CORAM: La Forest, Cory and Iacobucci JJ.

The application for leave to appeal is dismissed with costs.

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

**NATURE OF THE CASE**

Administrative law - Broadcasting - Tariff 17 - *Copyright Act*, R.S., c. C-30, ss. 3(1)(f), 67(1), 70 - Prerogative writs - Writ of prohibition - Whether "right to perform a work in public", found in s. 3(1) of the *Act*, encompasses "the right to communicate a literary, dramatic, musical or artistic work to the public by telecommunication" found in s. 3(1)(f) - Whether Court of Appeal erred in its application and construction of s. 3(1) of the *Act*, which provides for a distinct right to authorize any of the acts in the exclusive domain of the copyright owner - Whether Court of Appeal failed to identify a test of "authorization" or enunciate any principled test in its determination that the Applicant's members authorize a performance in public and, as a result, imposed upon the Applicant's members automatic liability for the acts of a subscriber.

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**23727 ONTEX RESOURCES LIMITED - v. - METALORE RESOURCES LIMITED AND GEORGE CHILIAN** (Ont.)

CORAM: The Chief Justice and McLachlin and Major JJ.

The application for leave to appeal and the application for leave to cross-appeal are dismissed.

La demande d'autorisation d'appel et la demande d'autorisation d'appel-incident sont rejetées.

**NATURE OF THE CASE**

Torts - Commercial law - Contracts - Remedies - Fraud - Fiduciary relationships - Constructive trusts - Performance and breach - Fundamental breach - Agreements to develop mining property - Mine operator withholding information and using it to acquire adjacent claims - When will fraud in the performance of a commercial contract relieve the innocent party of its obligation to perform? - Whether an appellate court can ignore a trial judge's finding of fraud in the performance of a contract and award lesser relief on a basis other than fraud? - Did the Court of Appeal err in refusing to grant a constructive trust where there has been a misuse of confidential information, unjust enrichment and fraud? - Application of *International Corona Resources Ltd. v. Lac Minerals Ltd.*, [1989] 2 S.C.R. 574 - Did fiduciary duties exist between the parties and does the 1981 agreement, a standard type of agreement in Canadian mining, give rise to fiduciary obligations?

**23846**RICHARD WALSH, R.C. COOPER, JOHNSON & HIGGINS LTÉE v. GAITAN & CUSACK (Qué.)

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

The application for leave to appeal is dismissed with costs.

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

**NATURE OF THE CASE**

Procedural law - Pre-trial procedure - Statutes - Interpretation - Objections made during the examination of witnesses dismissed by the Superior Court of Quebec - Whether the Court of Appeal erred in the interpretation and application of the Quebec *Business Concerns Records Act*, R.S.Q. 1977, c. D-12, in particular ss. 1 and 2.

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## MOTIONS

## REQUÊTES

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12.11.1993

Before / Devant: LA FOREST J.

**Motion for a stay of execution**

**Requête en vue de surseoir à l'exécution**

Cynthia Ann Bruneau

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

v. (23791)

Marcel Joseph Bruneau (Alta.)

Alan Hirsch, contra.

**GRANTED / ACCORDÉE**

**WAS RESERVED ON 9.11.1993 / PRIS EN DÉLIBÉRÉ LE 9.11.1993**

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10.12.1993

Before / Devant: THE REGISTRAR

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

**Requête en prorogation du délai de signification et de production du mémoire de l'appelante**

Her Majesty The Queen

v. (23217)

Henry Arthur Johnson et al. (Ont.)

**GRANTED / ACCORDÉE** Time extended to December 1, 1993.

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10.12.1993

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 production de la réponse de l'intimée**

Charles Bremner

v. (23789)

Her Majesty The Queen (Ont.)

**GRANTED / ACCORDÉE**

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13.12.1993

Before / Devant: LE REGISTRAIRE

**Requête en prorogation du délai de production du mémoire des appelants**

**Motion to extend the time in which to file the appellants' factum**

Le procureur général du Québec et al.

c. (23345)

Téléphone Guèvremont Inc. (Qué.)

**ACCORDÉE / GRANTED** Délai prorogé au 9 décembre 1993.

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16.12.1993

Before / Devant: CORY J.

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

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

Dunphy Leasing Enterprises Ltd. et al.

v. (22819)

The Bank of Nova Scotia (Alta.)

**GRANTED / ACCORDÉE** on the following conditions:

- 1.The appellant will confirm the agreement as to contents of the case by Friday, December 17, 1993;
  - 2.The case on appeal is to be filed by Friday, January 7, 1994;
  - 3.The appellant will deliver to the respondent a draft factum no later than December 20, 1993 and serve the factum in final form on or before January 14, 1994;
  - 4.The appeal is to be inscribed for the January 1994 sittings;
  - 5.The costs of this application will be payable to the respondent Bank of Nova Scotia.
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17.12.1993

Before / Devant: LE JUGE LA FOREST

**Requête en prorogation du délai pour énoncer des questions constitutionnelles et requête pour énoncer des questions constitutionnelles**

L'Honorable Andrée Ruffo

c. (23127 / 23222)

Le Conseil de la magistrature et al. (Qué.)

**Motion to extend the time in which to state constitutional questions and motion to state constitutional questions**

Michel Robert, c.r., pour les requêtes.

Louis Crête, pour les intimés.

François Aquin, pour le mis en cause (L'Honorable juge Gobeil).

Jean-Yves Bernard, pour le mis en cause (Procureur général du Québec).

Guy Lecompte, pour le mis en cause (Miville Lapointe).

**AJOURNÉE / ADJOURNED**

17.12.1993

Before / Devant: MAJOR J.

**Motion for leave to intervene**

BY/PAR:Attorney General of Ontario

IN/DANS:C.B.C.

v. (23403)

Lucien Dagenais (Ont.)

and between

C.B.C.

v. (23596)

Attorney General for Saskatchewan (Sask.)

**Requête en autorisation d'intervention**

Robert Houston, Q.C., for the motion.

Consents filed by all parties.

**GRANTED / ACCORDÉE**

17.12.1993

Before / Devant: MAJOR J.

**Motion for leave to intervene and to adduce further evidence**

BY/PAR: Assembly of First Nations

IN/DANS: Her Majesty The Queen

v. (23253)

Native Women's Association of Canada et al. (F.C.A.)

**Requête en autorisation d'intervention et pour produire d'autres éléments de preuve**

Peter K. Doody and John Briggs, for the motion.

Graham Garton, Q.C., for the appellant.

Mary Eberts and Julia Deans, for the respondents.

B.A. Crane, Q.C., for the intervener Inuit Tapirisat of Canada.

**GRANTED / ACCORDÉE** (motion for leave to intervene / requête en autorisation d'intervention).

**DISMISSED / REJETÉE** (motion to adduce further evidence / requête pour produire d'autres éléments de preuve).

20.12.1993

Before / Devant: SOPINKA J.

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

Regional Assessment Commissioner et al.

v. (23904)

Donald Graham et al. (Ont.)

**GRANTED / ACCORDÉE** Time extended to January 20, 1994.

**Requête en prorogation du délai de signification et de production d'une demande d'autorisation**

With the consent of the parties.

20.12.1993

Before / Devant: SOPINKA J.

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

Donahue Morgan

v. (23579)

Her Majesty The Queen (Ont.)

**GRANTED / ACCORDÉE** Time extended to December 14, 1993.

**Requête en prorogation du délai de signification et de production d'une demande d'autorisation**

With the consent of the parties.



**NOTICES OF APPEAL FILED SINCE  
LAST ISSUE**

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

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20.12.1993

**United Steelworkers of America, Local 9332**

v. (23621)

**The Honourable Justice K. Peter Richard et al.  
(N.S.)**

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20.12.1993

**Louise Goyet**

c. (23629)

**Gilles Beaulieu (Qué.)**

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21.12.1993

**Her Majesty The Queen**

v. (23479)

**Brent Blair Brown (Crim.)(Man.)**

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22.12.1993

**Her Majesty The Queen**

v. (23675)

**Jerry Andrew Godin (Crim.)(N.B.)**

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**NOTICES OF INTERVENTION  
FILED SINCE LAST ISSUE**

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

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BY/PAR:Attorney General of Ontario

IN/DANS: **Canadian Broadcasting Corp. et al.**

v. (23403)

**Lucien Dagenais et al. (Ont.)**

NOTICES OF INTERVENTION FILED SINCE  
LAST ISSUE

AVIS D'INTERVENTION PRODUITS DEPUIS  
LA DERNIÈRE PARUTION

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BY/PAR:Attorney General of Ontario

IN/DANS:**Canadian Broadcasting Corp.**

v. (23596)

**Her Majesty The Queen et al. (Sask.)**

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**NOTICES OF DISCONTINUANCE  
FILED SINCE LAST ISSUE**

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

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17.12.1993

**Emmanuel Y. Osei-Twum**

v. (23419)

**Francis Williams et al. (Ont.)**

(appeal)

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**WEEKLY AGENDA**

**ORDRE DU JOUR DE LA  
SEMAINE**

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**The next bulletin of proceedings will be published January 21, 1994./  
Le prochain bulletin des procédures sera publié le 21 janvier 1994**

NOTICES OF DISCONTINUANCE FILED SINCE  
LAST ISSUE

AVIS DE DÉSISTEMENT PRODUITS DEPUIS  
LA DERNIÈRE PARUTION

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**COMPLIMENTS OF THE SEASON**

**MELLEURS VOEUX**

**CUMULATIVE INDEX -  
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<i>Great Lakes Towing Co. c. Owners &amp; Operators of the</i> <i>MV "Rhône" (C.A.F.)(Qué.), 21886, *03 25.2.93</i>	1359(92)	368(93)
<i>Greenbaum v. The Queen (Crim.)(Ont.), 22506, *03 25.2.93</i>	2738(92)	371(93)
<i>Griffith v. The Queen (Crim.)(Ont.), 22389, *03 L'Heureux-Dubé J.</i> <i>dissenting 17.6.93</i>	507(93)	1264(93)
<i>Haig v. Kingsley (F.C.A.)(Ont.), 23223, *01 Lamer C.J.</i> <i>and Iacobucci J. dissenting 2.9.93</i>	465(93)	1494(93)
<i>Hall v. Hébert (B.C.), 22399, *04 Sopinka J. dissenting 29.4.93</i>	2275(92)	1099(93)
<i>Harbottle v. The Queen (Crim.)(Ont.), 23037, *01 25.5.93</i>	1096(93)	1610(93)
<i>Hodgkinson v. Simms (B.C.), 23033</i>	2273(93)	
<i>Honish v. The Queen (Crim.)(Alta.), *01 2.2.93</i>	252(93)	252(93)
<i>Hunt v. Lac D'Amiante du Québec Ltée (B.C.), 22637, *04</i> <i>18.11.93</i>	2277(92)	2091(93)
<i>Hundal v. The Queen (rehearing)(Crim.)(B.C.), 22358, *01 11.3.93</i>	265(92)	508(93)
<i>Hy and Zel's Inc. v. Attorney General for Ontario (Ont.),</i> <i>22556, *01 L'Heureux-Dubé and McLachlin JJ. dissenting</i> <i>21.10.93</i>	367(93)	1864(93)
<i>Hydro Electric Commission of the Town of Kenora v. Vacationland</i> <i>Dairy Co-operative Ltd. (Ont.), 22947</i>	1772(93)	
<i>In the Matter of a Reference in Respect of the Quebec Sales</i> <i>Tax (Qué.), 23690</i>	2275(93)	
<i>J.G.B. v. The Queen (Crim.)(Ont.), 23320, *01 8.10.93</i>	1830(93)	1830(93)
<i>J.J.M. v. The Queen (Crim.)(Man.), 22790, *01 5.2.93</i>	294(93)	1025(93)
<i>Jeffreys v. The Queen (Crim.)(Ont.), 23061</i>	2060(93)	
<i>Jones (Glenn Ivor) v. The Queen (Crim.)(Sask.), 22400, *01 2.2.93</i>	252(93)	252(93)
<i>Jones (Scott) v. The Queen (Crim.)(B.C.), 23157</i>	1830(93)	
<i>K.B.V. v. The Queen (Crim.)(Ont.), 22944, *01 Sopinka J. dissenting</i> <i>15.7.93</i>	1257(93)	1373(93)
<i>Koruz v. The Queen (Crim.)(Alta.), 23077, *01 26.3.93</i>	685(93)	685(93)
<i>Kourtesis v. Minister of National Revenue (Crim.)(B.C.), 21645,</i> <i>*03 22.4.93</i>	365(92)	816(93)
<i>Lapointe c. Domtar Inc. (Qué.), 22717, *03 30.6.93</i>	691(93)	1372(93)
<i>Lassonde c. La Reine (Crim.)(Qué.), 23087, *01 8.4.93</i>	686(93)	722(93)
<i>Leduc v. The Queen (Crim.)(Ont.), 23368, *01 8.10.93</i>	1829(93)	1829(93)
<i>Lépine v. The Queen (Crim.)(Ont.), 23026</i>	2060(93)	
<i>Levogiannis v. The Queen (Crim.)(Ont.), 22953, *01 15.6.93</i>	1256(93)	2094(93)
<i>MacKenzie v. The Queen (Crim.)(N.S.), 22423, *03 21.1.93</i>	990(92)	71(93)
<i>Macooh v. The Queen (Crim.)(Alta.), 22747, *01 26.2.93</i>	460(93)	1373(93)
<i>Marquand v. The Queen (Crim.)(Ont.), 22940, *03 L'Heureux-</i> <i>Dubé J. dissenting 21.10.93</i>	899(93)	1866(93)
<i>McNee v. Shanks (B.C.), 22863</i>	2025(93)	
<i>Miller v. Cooper (B.C.), 22860</i>	2025(93)	
<i>Minister of Finance of Canada v. Finlay (F.C.A.)(Man.), 22162,</i> <i>*03 25.3.93</i>	196(93)	579(93)
<i>Ministre du Revenu du Québec c. Arcuri (Qué.), 22989</i>	1772(93)	
<i>Miron v. Trudel (Ont.), 22744, adjourned to the next term</i>	1833(93)	
<i>Mobil Oil Canada Ltd. v. Canada-Newfoundland Offshore</i> <i>Petroleum Board (Nfld.), 22948</i>	2224(93)	
<i>Moran v. The Queen (Crim.)(Ont.), 23326, *01 29.11.93</i>	2223(93)	2223(93)
<i>Myers v. The Queen (Crim.)(Ont.), 22846, *01 23.3.93</i>	574(93)	574(93)
<i>Naglik v. The Queen (Crim.)(Ont.), 22490, *03 L'Heureux-Dubé and</i> <i>Gonthier JJ. dissenting in part 9.9.93</i>	721(93)	1604(93)
<i>National Automobile, Aerospace and Agricultural Implement</i> <i>Workers Union of Canada (CAW-CANADA) v. Dayco (Canada) Ltd.</i> <i>(Ont.), 22180, *02 6.5.93</i>	961(93)	961(93)
<i>Nuosci v. The Queen (Crim.)(Ont.), 23232, *01 3.11.93</i>	2024(93)	2024(93)
<i>Ontario Hydro v. Ontario Labour Relations Board (Ont.),</i> <i>22355, *01 Sopinka, Cory and Iacobucci JJ. dissenting 30.9.93</i>	2530(92)	1606(93)
<i>Osolin v. The Queen (Crim.)(B.C.), 22826, *03 La Forest,</i> <i>L'Heureux-Dubé, Gonthier and McLachlin JJ. dissenting 16.12.93</i>	1257(93)	2307(93)
<i>P. (J.) c. La Reine (Crim.)(Qué.), 22901, *01 24.2.93</i>	366(93)	460(93)
<i>Paul Magder Furs Ltd. v. Attorney General for Ontario (Ont.),</i> <i>22559, *01 L'Heureux-Dubé and McLachlin JJ. dissenting</i> <i>21.10.93</i>	367(93)	1864(93)
<i>Peter v. Beblow (B.C.), 22258, *04 25.3.93</i>	2561(92)	578(93)
<i>Pitt v. The Queen (Crim.)(Ont.), 23082, *01 22.02.93</i>	364(93)	364(93)
<i>Plant v. The Queen (Crim.)(Alta.), 22606, *01 30.9.93</i>	2470(92)	1605(93)
<i>Potvin v. The Queen (Crim.)(Ont.), 23110, *01 7.6.93</i>	1199(93)	1424(93)
<i>Pouliot c. La Reine (Crim.)(Qué.), 22960, *03 1.2.93</i>	251(93)	251(93)



<i>Quebec Association of Protestant School Boards c. Procureur général du Québec</i> (Qué.), 22112, the 5 constitutional questions were answered in the negative/les 5 questions constitutionnelles ont été répondues par la négative 17.6.93	2795(92)	1261(93)
<i>Queen (Douglas) v. Cognos Inc.</i> (Ont.), 22004, *03 21.1.93	263(92)	68(93)
<i>R. v. A.W.E.</i> (Crim.)(Alta.), 22810, *03 Lamer C.J. and Sopinka and Major JJ. dissenting 9.9.93	250(93)	1603(93)
<i>R. c. Baron</i> (C.A.F.)(Qué.), 22298, *02 21.1.93	365(92)	69(93)
<i>R. v. Belczowski</i> (Ont.), 22962, *02 27.5.93	1098(93)	1154(93)
<i>R. v. Brassard</i> (Crim.)(Qué.), 23355, *03 5.11.93	2057(93)	2057(93)
<i>R. v. Cooper</i> (Crim.)(Nfld.), 22395, *03 21.1.93	2276(92)	72(93)
<i>R. v. D.O.L.</i> (Crim.)(Man.), 22660, 03 18.11.93	1254(93)	2092(93)
<i>R. v. Davy</i> (Crim.)(Ont.), 22808, 01 16.12.93	1159(93)	2307(93)
<i>R. v. Finlay</i> (Crim.)(Sask.), 22596, *03 9.9.93	2321(92)	1602(93)
<i>R. v. Finta</i> (Crim.)(Ont.), 23023	1157(93)	
<i>R. v. Friedberg</i> (F.C.A.)(Ont.), 22924, *02 5.11.93	2057(93)	2088(93)
<i>R. v. Goncalves</i> (Crim.)(Alta.), 23060, *03 2.4.93	720(93)	720(93)
<i>R. v. Grant</i> (Crim.)(B.C.), 23075, *03 30.9.93	720(93)	1608(93)
<i>R. v. Hasselwander</i> (Crim.)(Ont.), 22725, *03 Lamer C.J. and Major J. dissenting 19.5.93	294(93)	1024(93)
<i>R. v. Hawkins</i> (Crim.)(Nfld.), 23035, *03 28.4.93	898(93)	898(93)
<i>R. v. K.G.B.</i> (Crim.)(Ont.), 22351, *03 25.2.93	2278(92)	370(93)
<i>R. v. Litchfield</i> (Crim.)(Alta.), 22896, *03 18.11.93	1200(93)	2092(93)
<i>R. v. M.B.P.</i> (Crim.)(Ont.), 23088	2089(93)	
<i>R. v. McAnespie</i> (Crim.)(Ont.), 23674, *03 10.12.93	2304(93)	2304(93)
<i>R. v. Mills</i> (Crim.)(Man.), 23289, *03 2.11.93	2022(93)	2022(93)
<i>R. v. Mohan</i> (Crim.)(Ont.), 23063	2059(93)	
<i>R. v. Morgentaler</i> (Crim.)(N.S.), 22578, *02 30.9.93	253(93)	1606(93)
<i>R. v. Naglik</i> (Crim.)(Ont.), 22636, *03 L'Heureux-Dubé and Gonthier JJ. dissenting in part	721(93)	1604(93)
<i>R. c. Petel</i> (Crim.)(Qué.), 23434	2025(93)	
<i>R. v. Power</i> (Crim.)(Nfld.), 23566	2272(93)	
<i>R. v. Price a.k.a. Brown</i> (Crim.)(Alta.), 23049, *01 5.10.93	1771(93)	1771(93)
<i>R. v. Profit</i> (Crim.)(Ont.), 23313, *03 7.10.93	1774(93)	1828(93)
<i>R. v. R.C.</i> (Crim.)(Qué.), 23126, *03 Iacobucci and Major JJ. dissenting 29.4.93	900(93)	900(93)
<i>R. v. Steeves</i> (Crim.)(Alta.), 23073, *03 31.3.93	689(93)	689(93)
<i>R. v. Thomas</i> (Crim.)(Nfld.), 22703, *01 26.2.93	461(93)	461(93)
<i>Roblin v. The Queen</i> (Crim.)(Ont.), 23300-02, *01 8.12.93	2275(93)	2303(93)
<i>Rodriguez v. Attorney General of British Columbia</i> (B.C.), 23476, *01 Lamer C.J. and L'Heureux-Dubé, Cory and McLachlin JJ. dissenting 30.9.93	1023(93)	1609(93)
<i>Schiewe v. The Queen</i> (Crim.)(Alta.), 23074, *01 26.3.93	685(93)	685(93)
<i>Schmidt v. Air Products Canada Ltd.</i> (Alta.), 23057	2225(93)	
<i>Sharma v. The Queen</i> (Crim.)(Ont.), 22332, *03 25.2.93	1088(92)	368(93)
<i>Shell Canada Products Ltd. v. City of Vancouver</i> (B.C.), 22789	897(93)	
<i>Sie-Mac Pipeline Contractors Ltd. v. The Queen</i> (F.C.A.)(Alta.), 22775, *01 24.3.93	575(93)	575(93)
<i>Simcoe &amp; Erie General Insurance Co. v. Reid Crowther &amp; Partners Ltd.</i> (Man.), 22372, *02 21.1.93	2319(92)	72(93)
<i>Slaney v. The Queen</i> (Crim.)(Nfld.), 23158, *01 30.4.93	959(93)	959(93)
<i>Slattery v. Doane Raymond Ltd.</i> (N.B.), 22618, *02 L'Heureux-Dubé, Sopinka and McLachlin JJ. dissenting 30.9.93	686(93)	1607(93)
<i>Smith v. The Queen</i> (Crim.)(Ont.), 23304, *01 6.10.93	1773(93)	1828(93)
<i>South Nation River Conservation Authority v. Auto Concrete Curb Ltd.</i> (Ont.), 23090, *04 9.9.93	1254(93)	1605(93)
<i>Stoddard v. Watson</i> (Ont.), 22601, *03 2.9.93	1155(93)	1496(93)
<i>Swinamer v. Attorney General of Nova Scotia</i> (N.S.), 22915	2058(93)	
<i>Symes v. The Queen</i> (F.C.A.)(Ont.), 22659, *02 L'Heureux-Dubé and McLachlin JJ. dissenting 16.12.93	463(93)	2306(93)
<i>Syndicat des employés professionnels de l'Université du Québec à Trois-Rivières c. Université du Québec à Trois-Rivières</i> (Qué.), 22146, *02 25.2.93	2689(92)	370(93)
<i>Tapaquon v. The Queen</i> (Crim.)(Sask.), 22926, *03 L'Heureux-Dubé J. dissenting 16.12.93	1096(93)	2307(93)
<i>Théroux c. La Reine</i> (Crim.)(Qué.), 22249, *01 8.4.93	2467(92)	722(93)
<i>Thornton v. The Queen</i> (Crim.)(Ont.), 22312, *01 4.6.93	1199(93)	1199(93)
<i>Toneguzzo-Norvell v. Savein</i> (B.C.), 23195	2022(93)	
<i>Tortone v. The Queen</i> (Crim.)(Ont.), 23123, *03 in part, Gonthier and Cory JJ. dissenting in part 2.9.93	899(93)	1495(93)
<i>Tremblay c. La Reine</i> (Crim.)(Qué.), 22650, *03 La Forest and Gonthier JJ.		

dissenting 2.9.93	366(93)	1494(93)
<i>United Brotherhood of Carpenters and Joiners of America, Local 579 v. Bradco Construction Ltd.</i> (Nfld.), 22023, *03 19.5.93	2341(92)	1024(93)
<i>United States of America c. Doyer</i> (Crim.)(Qué.), 23343, *03 29.11.93	2223(93)	2223(93)
<i>United States of America v. Lépine</i> (Crim.)(Ont.), 23125, *03 18.6.93	1259(93)	1259(93)
<i>V. L. P. v. The Queen</i> (Crim.)(Ont.), 22794, *01 3.3.93	464(93)	464(93)
<i>Valliant v. Air Canada</i> (Ont.), 22416, *02 21.10.93	896(93)	1865(93)
<i>Ward v. Attorney General of Canada</i> (F.C.A.)(Ont.), 21937, *03 30.6.93	811(92)	1372(93)
<i>Wiley v. The Queen</i> (Crim.)(B.C.), 22804, *01 30.9.93	2469(92)	1605(93)
<i>Workers' Compensation Board v. Amchem Products Incorporated</i> (B.C.), 22256, *03 25.3.93	1358(92)	578(93)
<i>Yorke v. The Queen</i> (Crim.)(N.S.), 23359, *01 Iacobucci J. dissenting 15.10.93	1860(93)	1860(93)
<i>Young v. Young</i> (B.C.), 22227, *03 in part La Forest and Gonthier JJ. dissenting in part and L'Heureux-Dubé J. dissenting 21.10.93	194(93)	1863(93)
<i>Zlatic c. La Reine</i> (Crim.)(Qué.), 22342, *01 Lamer C.J. and Sopinka J. dissenting 8.4.93	2530(92)	722(93)

**DEADLINES: MOTIONS****DÉLAIS: REQUÊTES****BEFORE THE COURT:**

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

**Motion day : February 7, 1994**

Service : January 17, 1994  
Filing : January 24, 1994  
Respondent : January 31, 1994

**Motion day : March 7, 1994**

Service : February 14, 1994  
Filing : February 21, 1994  
Respondent : February 28, 1994

**Motion day : May 2, 1994**

Service : April 11, 1994  
Filing : April 18, 1994  
Respondent : April 25, 1994

**Motion day : June 6, 1994**

Service : May 16, 1994  
Filing : May 23, 1994  
Respondent : May 30, 1994

**BEFORE A JUDGE OR THE REGISTRAR:**

Pursuant to Rule 22 of the *Rules of the Supreme Court of Canada*, a motion before a judge or the Registrar must be filed not later than three clear days before the time of the hearing.

Please call (613) 996-8666 for further information.

**DEVANT LA COUR:**

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

**Audience du : 7 février 1994**

Signification : 17 janvier 1994  
Dépot : 24 janvier 1994  
Intimé : 31 janvier 1994

**Audience du : 7 mars 1994**

Signification : 14 février 1994  
Dépot : 21 février 1994  
Intimé : 28 février 1994

**Audience du : 2 mai 1994**

Signification : 11 avril 1994  
Dépot : 18 avril 1994  
Intimé : 25 avril 1994

**Audience du : 6 juin 1994**

Signification : 16 mai 1994  
Dépot : 23 mai 1994  
Intimé : 30 mai 1994

**DEVANT UN JUGE OU LE REGISTRAIRE:**

Conformément à l'article 22 des *Règles de la Cour suprême du Canada*, une requête présentée devant un juge ou le registraire doit être déposée au moins trois jours francs avant la date d'audition.

Pour de plus amples renseignements, veuillez appeler au (613) 996-8666.

**DEADLINES: APPEALS****DÉLAIS: APPELS**

The next session of the Supreme Court of Canada commences on January 24, 1994.

La prochaine session de la Cour suprême du Canada débute le 24 janvier 1994.

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

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

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

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

**Appellant's factum** must be filed within five months of the filing of the notice of appeal.

**Le mémoire de l'appellant** doit être déposé dans les cinq mois du dépôt de l'avis d'appel.

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

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

**Intervener's factum** must be filed within two weeks of the date of service of the respondent's factum.

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

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

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

The Registrar shall enter on a list all appeals inscribed for hearing at the January 1994 Session on November 30, 1993.

Le 30 novembre 1993, le registraire met au rôle de la session de janvier 1994 tous les appels inscrits pour audition.