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**APPLICATIONS FOR LEAVE TO
APPEAL FILED**

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

Imperial Oil Ltd and its subdivision Paramins
John F. Howard, Q.C.
Blake, Cassels & Graydon

v. (23409)

The Lubrizol Corp. et al. (F.C.A.)
D.J. Wright, Q.C.
Ridout & Maybee

FILING DATE 9.6.1993

Nathan Edward Zastowny
Sheldon Goldberg

v. (23468)

Her Majesty the Queen (B.C.)
S. David Frankel, Q.C.
D.A.G. of Canada

FILING DATE 21.6.1993

Cooperators General Insurance Co.
Patrick L. Aylward
Walker & Aylward

v. (23502)

Judgment Recovery (P.E.I.) Ltd. (P.E.I.)
Graham W. Stewart
Campbell Stewart

FILING DATE 21.6.1993

Richard Kevin Hammerbeck
Richard Kevin Hammerbeck

v. (23512)

Her Majesty the Queen (B.C.)
Alexander Budlovsky, Esq.
The A.G. of B.C.

FILING DATE 25.5.1993

G.N.D.
Bruce Durno
Ecclestone & Durno

v. (23513)

Her Majesty the Queen (Ont.)
Eric Siebenmorgen
A.G. of Ont.

FILING DATE 29.6.1993

Mario Lussier
Léo-René Maranda

c. (23535)

Sa Majesté la Reine (Qué.)
Charles-Henri Desrosiers
Desrosiers & Ricard

DATE DE PRODUCTION 28.6.1993

Cecile Deborah Silverberg
v. (23598)

Laurie Richard Silverberg
Jack Straitman

FILING DATE 21.5.1993

APPLICATIONS FOR LEAVE TO APPEAL
FILED

DEMANDES D'AUTORISATION D'APPEL
PRODUITES

Walter Gordon McOuat
Walter Gordon McOuat

v. (23600)

The Law Society of British Columbia (B.C.)
E. David Crossin
Crossin & Scouten

FILING DATE 25.5.1993

**Conseil de la Santé et des Services sociaux de la
Région de Montréal métropolitain, et al**
Pierre Boyer
Lafleur Brown

c. (23604)

Ville de Montréal, et al (Qué.)
Serge Barrière
Jalbert, Séguin, Verdon, Caron & Mahoney

DATE DE PRODUCTION 29.6.1993

Michael Cross
John W. Conroy

v. (23607)

George Weldon Adams
James O'Reilly
O'Reilly & Associés

c. (23615)

Sa Majesté la Reine (Qué.)
René Morin
Ministère de la Justice

DATE DE PRODUCTION 25.5.1993

**Correctional Services Canada and National Parole
Board**

Esta Resnick

FILING DATE 8.7.1993

Her Majesty the Queen
Paul C. Bourque
A.G. of Alta.

v. (23608)

Matthew Oommen (Alta.)
Mona Duckett

FILING DATE 22.6.1993

Gary Rogers
Clayton C. Ruby
Ruby & Edwardh

v. (23614)

Her Majesty The Queen (Ont.)
The A.G. of Ontario

FILING DATE 27.5.1993

**Centre communautaire juridique de la Mauricie
Bois-Francis**
François Aquin

c. (23616)

**Syndicat des avocats de l'Aide juridique de la
Mauricie Bois-Francis et al. (Qué.)**
Robert P. Gagnon
Grondin, Poudrier, Bernier

DATE DE PRODUCTION 21.6.1993

Saviro International
Richard R. Park

v. (23617)

Cadillac Gage Co. et al. (Ont.)
Keel Cottelle

FILING DATE 25.5.1993

Richard Smith
Clayton C. Ruby
Ruby & Edwardh

v. (23618)

Her Majesty The Queen (Ont.)
Crown Law Office - Criminal
Min. of the A.G.

FILING DATE 20.5.1993

Donald McGuire
Bernard Cugelman
Cugelman & Eisen

v. (23625)

Her Majesty the Queen (Ont.)
Lucy Cecchetto
Dept. of A.G.

FILING DATE 29.6.1993

Martha Breen
Wes Wilson

v. (23626)

**The Registrar of Motor Vehicles and the Minister of
Transportation (Ont.)**
Linda McCaffrey
A.G. of Ont.

FILING DATE 8.6.1993

Crestbrook Forest Industries Ltd
Ian H. Pitfield, Esq.
Thorsteinssons

v. (23627)

Her Majesty the Queen (F.C.A.)(B.C.)
John S. Shipley, Esq.
D.A.G. of Canada

FILING DATE 21.6.1993

**Compagnie de Construction Belcourt Ltée
(Belcourt Inc.)**
Richard G. Bernèche
Adessky Poulin

c. (23630)

**The Administrator of Co-propriété Forest Village et
al. (Qué.)**

Allen E. Feldman
Frumkin, Feldman & Glazman

FILING DATE 14.6.1993

Her Majesty The Queen
Lucy Cecchetto
A.G. of Ontario

v. (23631)

George Rajic (Ont.)
James Lockyer
Pinkofsky, Lockyer, Kwinter

FILING DATE 14.6.1993

Her Majesty the Queen
John C. Pearson
Public Prosecution Service

v. (23632)

R. (K.A.) (N.S.)
Craig M. Garson
Scaravelli & Garson

FILING DATE 25.6.1993

APPLICATIONS FOR LEAVE TO APPEAL
FILED

DEMANDES D'AUTORISATION D'APPEL
PRODUITES

J.E. Verreault & Fils Ltée

Aubut Chabot

c. (23633)

**Commission des écoles catholiques de Québec et al.
(Qué.)**

Jolin, Fournier, Morisset

DATE DE PRODUCTION 16.6.1993

Donald M. McNaughton

Ronald A. Pink, Q.C.

Pink, Breen, Larkin

v. (23634)

Attorney General of Nova Scotia (N.S.)

William Wilson, Q.C.

Dept. of A.G.

FILING DATE 4.6.1993

The Travelers Indemnity Co. of Canada

Bert Raphael, Q.C.

Paroian, Raphael, Courey, Cohen & Houston

v. (23635)

**The Michigan Catastrophic Claims Association
(Ont)**

Barney W. Brucker

Fellowes, McNeil

FILING DATE 14.6.1993

James Egan et al.

Joseph J. Arvay, Q.C.

Arvay Finlay

v. (23636)

**Her Majesty The Queen in right of Canada
(F.C.A.)(Ont)**

Harry Wruck

Dept. of Justice

FILING DATE 17.6.1993

Jack Malcolm Phillips

Alain Hepner, Q.C.

Ross Hepner Baker & Ross

v. (23637)

Her Majesty The Queen (Alta.)

Peter Martin, Q.C.

Dept. of A.G. of Alberta

FILING DATE 17.6.1993

Steen Contractors Ltd.

Eric Durnford, Q.C.

McInnes, Cooper & Robertson

v. (23638)

**International Association of Heat & Frost Insulators
and Asbestos Workers, Local 116 et al. (N.S.)**

Raymond Larkin, Q.C.

Pink, Breen, Larkin

FILING DATE 21.6.1993

College of Physicians and Surgeons of Ontario

Joyce Harris

Porter, Posluns & Harris

v. (23641)

Dr. Lal Boodoosingh (Ont.)

Roy E. Stephenson

Stephenson & Stephenson

FILING DATE 18.6.1993

Siska Indian Band et al.

John L. Finlay

Cooper & Associates

v. (23643)

Canadian Pacific Ltd. (F.C.A.)

N.D. Mullins, Q.C.

Canadian Pacific Legal Services

FILING DATE 16.6.1993

Matsqui Indian Band et al.

Arthur Pape
Pape & Salter

v. (23643)

Canadian Pacific Ltd. et al. (F.C.A.)(Ont.)

N.D. Mullins, Q.C.
Canadian Pacific Legal Services

FILING DATE 16.6.1993

Cidalia Miguel

Ian R. Mang
Mang, Steinberg & Skultety

v. (23644)

**Catholic Children's Aid Society of Metropolitan
Toronto (Ont.)**

FILING DATE 5.7.1993

Ali Reza Mohammad Beygi

Marjan Aghaipour

v. (23645)

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

Linda J. Wall
Dept. of Justice

FILING DATE 14.6.1993

René Bertrand

Chantal Thériault

c. (23647)

Sa Majesté la Reine (Qué.)

Martin Lamontagne
Subs. du procureur général

DATE DE PRODUCTION 22.6.1993

Joseph Mercier Remy

Clement Monterosso
Grey, Casgrain

c. (23648)

Sa Majesté la Reine (Qué.)

Jacques Dagenais
Subs. procureur général

DATE DE PRODUCTION 23.6.1993

Procter & Gamble Inc.

Michael D. MacDonald and David C. Rolf

v. (23649)

**The Attorney General of the province of Alberta et
al. (Alta.)**

Jack Watson
Appellate Counsel for the A.G. of Alta.

FILING DATE 23.6.1993

R. Wayne Turner

Eugene P. Rossiter, Q.C.
Stewart McKelvey Stirling Scales

v. (23651)

Martin Tomlinson, et al (P.E.I.)

Lynn Murray
Matheson & Murray

FILING DATE 9.7.1993

Chander Prabha Walia

Chander Prabha Walia

v. (23653)

**Gagan Walia and Insurance Corporation of British
Columbia**

Stephen J. Morris
Morris & Company

FILING DATE 14.6.1993

Douglas Allan Schur

Neil L. Cobb, Esq.

APPLICATIONS FOR LEAVE TO APPEAL
FILED

DEMANDES D'AUTORISATION D'APPEL
PRODUITES

Cobb, Fitzsimmons, Michaels

v. (23654)

Her Majesty the Queen (B.C.)

Bruce Johnstone, Esq.
Dept. of A.G.

FILING DATE 28.6.1993

Willoughby Allen

Clayton C. Ruby
Ruby & Edwardh

v. (23655)

Her Majesty the Queen (Ont.)

Gary Trotter
Dept. of A.G.

FILING DATE 8.7.1993

Fermos Inc.

Andrée-Marguerite Latour

v. (23656)

Comité Paritaire de l'Industrie du Meuble (Qué.)

Gaston Gauthier
Chassé & Gauthier

FILING DATE 14.6.1993

Shane D.

Anil K. Kapoor

v. (23658)

Her Majesty the Queen (Ont.)

Norm Farrell
Dept. of A.G.

FILING DATE 2.7.1993

Randall Clifford Lawrence

Simon Renouf
Pringle Renouf & Associates

v. (23659)

Her Majesty the Queen (Alta.)

Goran Tomljanovic

FILING DATE 5.7.1993

La Municipalité de Saint-Jean-Des-Piles

André Lemay
Tremblay, Bois, Mignault & Associés

c. (23660)

La Commission Municipale du Québec, et al (Qué.)

Claude Bouchard
Rochette, Boucher & Gagnon

DATE DE PRODUCTION 7.7.1993

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

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

JUNE 16, 1993 / LE 16 JUIN 1993

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

Doug Stevenson

v. (23478)

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

NATURE OF THE CASE

Criminal law - Evidence - Charge to the jury - Supplemental charge provided in response to a question from the jury with respect to evidence and reasonable doubt - Whether the trial judge erred in not repeating his initial instructions concerning onus of proof and proof beyond a reasonable doubt - Whether the Court of Appeal erred in not considering *R. v. W.(D.)*, [1991] 1 S.C.R. 742 - Whether the Court of Appeal erred in treating the trial judge's main charge and re-charge as a single unit.

PROCEDURAL HISTORY

October 2, 1991 Court of Queen's Bench of Alberta (Girgulis J.)	Conviction: one count of sexual assault contrary to s. 271 of the <i>Criminal Code</i> , R.S.C. 1985, c. C-46
February 4, 1993 Court of Appeal for Alberta (Fraser C.J.A., McClung [dissenting] and Belzil J.J.A.)	Appeal dismissed
March 17, 1993 Supreme Court of Canada	Notice of appeal as of right filed
May 21, 1993 Supreme Court of Canada	Application for leave to appeal filed

**Lynn Pollard, Joan MacKenzie, Boundary Bay
Conservation Committee and Western Canada
Wilderness Committee**

v. (23609)

**The Corporation of the District of Surrey,
Donald George Stewart, Marilyn Joan Stewart,**

**Wendy Dawn Chamasyk, Suzanne Joan Dahl,
Nancy Colleen Pollon and Northview Golf
Management Inc. (B.C.)**

NATURE OF THE CASE

Municipal law - Administrative law - Environmental law - Statutes - Zoning - Notice requirements under the *Municipal Act*, R.S.B.C. 1979, c. 290 - Whether notice of a public hearing published in a newspaper which is not distributed to a significant area of a municipality, including lands affected by the subject matter of the hearing, complies with statutory notice requirements - Whether a municipality must disclose to the public a proponent's expert report in its possession at a public hearing and allow the public a reasonable opportunity to respond to the material - Whether a municipality unlawfully fails to consider an issue relevant to its decision by adopting zoning bylaws prior to considering an environmental impact assessment.

PROCEDURAL HISTORY

February 3, 1992 Supreme Court of British Columbia (Josephson, J.)	Petition to quash Surrey bylaw dismissed
March 5, 1993 Court of Appeal for British Columbia (Southin [dissenting], Cumming and Proudfoot, J.J.A.)	Appeal dismissed
May 3, 1993 Supreme Court of Canada	Application for leave to appeal filed

Non-Labour Lien Claimants

v. (23549)

**Her Majesty the Queen in Right of Canada as
represented by the Minister of National
Revenue-Taxation, and Transgas Limited,
Saskatchewan's Workers' Compensation Board,
P.E. Ben Industries Company Ltd., A.M. Inspection Ltd.,
Certified Rentals Ltd., Arrow Welding &
Industrial Supplies Inc., Permanent Concrete
(Division of Lafarge Canada) and Japa Industries Ltd. (Sask.)**

NATURE OF THE CASE

Constitutional - *Canadian Charter of Rights and Freedoms* - Taxation - Statutes - Interpretation - Whether s. 224(1.2) of the *Income Tax Act* meets the test of constitutionality prescribed by the Supreme Court of Canada in *Attorney General of Canada v. Attorney General of Alberta*, [1992] 2 S.C.R. 446 - Whether the intrusion of s. 224(1.2) of the *Income Tax Act* on provincial jurisdiction under ss. 92(13) or 92(16) of the *Constitution Act, 1867*, is justified in the circumstances where the garnishment of trust funds in the hands of an owner such as the Respondent TransGas Ltd., are not available to the sub-contractors and material suppliers of the defaulting contractor - If s. 224(1.2) is constitutional, whether trust funds held by the Respondent TransGas Ltd. were attachable and properly transferred to Revenue Canada to satisfy taxes which the contractor had failed to remit.

PROCEDURAL HISTORY

November 1, 1991
Court of Queen's Bench for Saskatchewan
(MacPherson,J.)

Section 224(1.2) of the *Income Tax Act* declared
ultra vires

March 1, 1993
Court of Appeal for Saskatchewan
(Tallis, Cameron and Wakeling,J.J.A.)

Appeal allowed and constitutional validity of s.
224(1.2) and (1.3) of the *Income Tax Act* affirmed

April 28, 1993
Supreme Court of Canada

Application for leave to appeal filed

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

Old HW-GW Limited

v. (23591)

Her Majesty the Queen (F.C.A.)(Ont.)

NATURE OF THE CASE

Taxation - Assessment - Statutes - Interpretation - Whether a tax exemption granted by Puerto Rico to an affiliate of a Canadian corporation is an "export incentive" within the meaning of s. 5907(10)(b) of the *Income Tax Regulations* - Legal effect of a certificate issued by the Secretary of State for External Affairs pursuant to s. 14(1)(b) of the *State Immunity Act* both under the *Immunity Act* and at common law - Meaning of "export" in a taxing statute.

PROCEDURAL HISTORY

April 17, 1991
Federal Court, Trial Division
(Strayer,J.)

Appeals against income tax assessments allowed

March 18, 1993
Federal Court, Appeal Division
(Pratte, MacGuigan and Linden,J.J.A.)

Appeal allowed

May 13, 1993
Supreme Court of Canada

Application for leave to appeal filed

**NsC Corporation Limited, by Court Order dated March 26, 1992, in its
own name and at its own risk and expense, for NsC Diesel Power
Incorporated, a bankrupt and Plaintiff by Counterclaim and Claim**

v. (23560)

ABN (AMRO) Bank Canada

and

Gowling, Strathy & Henderson and Blake, Cassels & Graydon and Boyne Clarke (N.S.)

NATURE OF THE CASE

Procedural law - Barristers and solicitors - Pre-trial procedure - Evidence - Affidavit of solicitor for the Respondent Bank sent to prothonotary's office but not sent to judge until after application to set aside order of foreclosure for default of defence granted - Principles applicable to setting aside default judgments - Whether the Appeal Division, erred in failing to discern that the affidavit was not evidence properly before the Court.

PROCEDURAL HISTORY

October 23, 1990 Supreme Court of Nova Scotia, Trial Division (Goodfellow J.)	Application for Order of foreclosure granted
December 3, 1990 Supreme Court of Nova Scotia, Trial Division (Richard J.)	Motion to set aside Order of foreclosure granted
March 12, 1991 Supreme Court of Nova Scotia, Appeal Division (Hallett, Jones and Freeman JJ.A.)	Appeal allowed: Application to set aside the order of foreclosure dismissed
April 16, 1992 Supreme Court of Canada (Iacobucci J.)	Application for extension of time dismissed
March 18, 1993 Supreme Court of Nova Scotia, Appeal Division (Clark J.A.)	Application to amend or reverse the decision of March 12, 1991, dismissed
April 23, 1993 Supreme Court of Canada	Application for leave to appeal filed

**Fred Trofimenkoff, Robert Loov, Gary
Hughes, Henry A.R. Depaiva and Mike Ward**

v. (23567)

The National Victoria and Grey Trust Company (Alta.)

NATURE OF THE CASE

Commercial law - Loan - Mortgages - Interpretation - Statutes - Whether the Court of Appeal erred in interpreting s. 2 of *The National Housing Loans Act* (Alberta), R.S.A. 1970, c. 255 or s. 43 of the *Law of Property Act*, R.S.A. 1980, c. L-8 as applying to loans insured under the *National Housing Act*, R.S. c. N-10 - Whether the Court of Appeal erred in ignoring the distinction between the making of a loan and the insuring of a loan.

PROCEDURAL HISTORY

February 6, 1990
Court of Queen's Bench of Alberta
(Mason J.)

Application dismissed: Applicants not granted protection under either the *Judicature Act* or the *Law of Property Act*

April 30, 1993
Court of Appeal for Alberta
(Fraser C.J., Hetherington and Irving JJ.A.)

Appeal dismissed

May 3, 1993
Supreme Court of Canada

Application for leave to appeal filed

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

Raphael Tolédano

c. (23588)

Sa Majesté la Reine (Crim.)(Qué.)

NATURE DE LA CAUSE

Droit criminel - Législation - Procédure - Preuve - Interprétation - Témoins - Déclaration antérieure incompatible - Requête pour permission d'interroger un témoin sur sa déclaration antérieure - Est-ce que la Cour d'appel a erré dans l'application des conditions de fond de l'article 9(2) de la *Loi sur la preuve* en statuant que la surprise ou l'absence de surprise n'est pas une condition de fond et que le témoignage qui disculpe l'accusé ou qui est défavorable à la partie qui l'a assigné n'est pas une condition de l'application de la mise en contradiction.

HISTORIQUE PROCÉDURAL

Le 2 février 1993
Cour d'Appel du Québec
(Beauregard, Rousseau-Houle et Deschamps jj.c.a.)

Appel rejeté

Le 30 avril 1993
Cour suprême du Canada

Demande d'autorisation d'appel déposée

John Monahan

c. (23564)

Bank of Montreal (Qué.)

NATURE DE LA CAUSE

Procédure - Procédure civile - Appel - Art. 501.5. du *Code de procédure civile*, L.R.Q. 1977, ch. C-25 - La Cour d'appel a-t-elle erré en rejetant l'appel du demandeur en raison de son caractère abusif ou dilatoire? - La Cour a-t-elle ainsi violé la règle *audi alteram partem* et commis un déni de justice?

HISTORIQUE PROCÉDURAL

Le 5 novembre 1992
Cour supérieure du Québec
(Tremblay j.c.s.)

Action en dommages rejetée

Le 2 mars 1993
Cour d'appel du Québec
(Baudouin, Proulx et Deschamps jj.c.a.)

Requête en rejet d'appel de l'intimée accordée et
appel du demandeur rejeté

Le 3 mai 1993
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Maurice Malka

v. (23574)

Louise Lafond (Que.)

NATURE OF THE CASE

Procedural law - Family law - Evidence - Divorce - Maintenance - Access - Division of property - Respondent seeking divorce from Applicant - Applicant bringing action in improbation of sale agreement of family home to Respondent - Whether the Courts erred in refusing to grant the Applicant a compensatory allowance - Whether the trial judge erred in failing to consider the evidence on the improbation case in dismissing the demand for a compensatory allowance - Whether the Courts erred in refusing the Applicant the demand to reduce the alimentary pension and to have access to the children.

PROCEDURAL HISTORY

April 5, 1991
Superior Court of Quebec
(Riopel,J.)

Divorce granted; Applicant's counterclaim for
compensatory allowance dismissed

March 15, 1993
Court of Appeal for Quebec
(McCarthy, LeBel and Fish,JJ.A.)

Appeal dismissed

May 12, 1993
Supreme Court of Canada

Application for leave to appeal filed

JUNE 23, 1993 / LE 23 JUIN 1993

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

Wayne Clarence Badger

v. (23603)

Her Majesty the Queen (Alta.)

AND BETWEEN:

Ernest Francis Ominayak

v.

Her Majesty the Queen (Alta.)

AND BETWEEN:

Leroy Steven Kiyawasew

v.

Her Majesty the Queen (Alta.)

NATURE OF THE CASE

Indians - Statutes - Interpretation - Hunting rights - Right of access to private lands for hunting purposes - Treaty Indians hunting for food charged with offences under the *Wildlife Act*, S.A. 1984, c. W-9.1 - Whether treaty Indians in Alberta have a constitutionally protected right to hunt on privately owned land which are not in actual use or occupied at the time of the offence - Whether all Treaty No. 8 hunting rights were extinguished by the *Natural Resources Transfer Agreement, 1930* - *R. v. Horseman*, [1990] 1 S.C.R. 901, *R. v. Sioui*, [1990] 1 S.C.R. 1025, and *R. v. Sparrow*, [1990] 1 S.C.R. 1075.

PROCEDURAL HISTORY

July 25, 1991 Provincial Court of Alberta (Mitchell J.)	Conviction of the Applicant Badger: Hunting out of season contrary to s. 26 (1) of the <i>Wildlife Act</i> Convictions of the Applicants Ominayak and Kiyawasew: Hunting without a licence contrary to the <i>Wildlife Act</i>
February 7, 1992 Court of Queen's Bench (Foster J.)	Summary conviction appeals dismissed
March 24, 1993 Court of Appeal for Alberta (Lieberman, Kerans and Conrad JJ.A.)	Appeals dismissed
May 21, 1993 Supreme Court of Canada	Application for leave to appeal filed

Inderjit Singh Reyat

v. (23606)

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

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Offences - Did the Court Appeal err in holding that the *mens rea* for manslaughter is objective foreseeability of bodily harm, that is not trivial, caused by a dangerous, unlawful act or acts that result in death? - Did Court of Appeal err in holding that unlawful act manslaughter is not an offence that carries such a high degree of social stigma that a constitutionally mandated higher test of *mens rea* is required?

PROCEDURAL HISTORY

May 10, 1993 Supreme Court of British Columbia (Paris J.)	Convictions: manslaughter and acquisition, possession and use of explosives
March 23, 1993 Court of Appeal for British Columbia (McEachern C.J.B.C. and Taylor and Rowles JJ.A.)	Appeal dismissed
May 17, 1993 Supreme Court of Canada	Application for leave to appeal filed

Albert Patrick Carroll

v. (23592)

**Richard Andrew Montsion, Timothy Frederick Brown
and Herbert Bishop Stephen (Crim.)(Man.)**

NATURE OF THE CASE

Criminal law - *Canadian Charter of Rights and Freedoms* - Police - Evidence - Damages - Assault - Malicious prosecution - Charges of impaired driving and failure to take a breathalyser test against the Applicant dismissed by the Provincial Court of Manitoba - Applicant's action in damages dismissed by the Court of Queen's Bench of Manitoba - Whether the violation of an accused's rights pursuant to s. 10(b) of the *Charter* to retain and instruct counsel without delay should be a factor in the consideration of whether the accused has been maliciously prosecuted - Whether a violation of an accused's right pursuant to s. 12 of the *Charter* not to be subjected to any cruel and unusual treatment should be a factor in the consideration of whether the accused has been maliciously prosecuted - Whether the failure by law enforcement authorities to afford a detainee an opportunity to provide a breath sample and thereafter proceed with the prosecution of that detainee on a charge of refusing to provide a breath sample constitutes malicious prosecution.

PROCEDURAL HISTORY

May 22, 1991 Court of Queen's Bench of Manitoba (Kroft,J.)	Applicant's action in damages dismissed
March 16, 1993 Court of Appeal for Manitoba (Scott C.J.M., Huband and Philp J.J.A.)	Appeal dismissed
May 14, 1993 Supreme Court of Canada	Application for leave to appeal filed

Earl Hugh Giesbrecht

v. (23586)

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

NATURE OF THE CASE

Criminal law - Evidence - Trial - Defence - Testimony - Expert witness - Defence of insanity - Charge to jury - Instructions to the jury on the use of psychiatric evidence - Statement by the accused to a psychiatrist about a delusion - Whether such statements tendered in the course of a trial where the issue is insanity, are original evidence, hearsay evidence admissible because it is necessary and reliable, or hearsay evidence that must be independently proved.

PROCEDURAL HISTORY

November 26, 1991 Court of Queen's Bench (FergJ.)	Conviction: First degree murder and attempted murder
March 10, 1993 Court of Appeal of Manitoba (Scott C.J.M.A., Philp, Helper JJ.A.)	Leave to appeal allowed; Appeal against conviction dismissed
May 12, 1993 Supreme Court of Canada	Application for leave to appeal filed

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

George D. Weston

v. (23575)

**Henry J. Marquis, Q.C. and Esther O'Connor,
Canadian Cancer Society, Heart and Stroke Foundation of Canada,
Canadian Diabetes Association and St. Andrew and St. David's United Church (N.B.)**

NATURE OF THE CASE

Property law - Wills - Estates - Procedural law - Appeal - Jurisdiction - Evidence - Costs - Whether the Court of Appeal misdirected itself with respect to the level of testamentary capacity necessary to make a valid will and the proof of such that is required in order to negate an allegation of lack of testamentary capacity - Whether the Court of Appeal erred in failing to allow costs out of the Estate to the Applicant throughout, notwithstanding its finding against him at the appeal level - Whether the Court of Appeal erred in overriding the trial judge's findings of fact contrary to well established principles.

PROCEDURAL HISTORY

April 10, 1992 Probate Court of New Brunswick (Turnbull J.C.Q.B.)	Application for probate of a will dismissed
March 12, 1993 Court of Appeal of New Brunswick (Hoyt C.J.N.B., Rice and Ayles JJ.A.)	Appeals allowed
May 11, 1993 Supreme Court of Canada	Application for leave to appeal filed

West Park Hospital

v. (23568)

Service Employees International Union Local 204 and H. Ray Illing (Ont.)

NATURE OF THE CASE

Administrative law - Statutes - Interpretation - Labour law - Civil rights - Pay equity - Meaning of the phrase "maintain pay equity" in s. 7 of the *Pay Equity Act*, R.S.O. 1990, c. P.7 - Arbitration of dispute regarding wage adjustment for male dominated trades - Can an arbitrator make an award the parties would be prohibited from bargaining for? - Can a tribunal constituted under one statute make an order which could breach requirements of another statute?

PROCEDURAL HISTORY

March 18, 1992 Ontario Court of Justice (Divisional Court) (Hartt, Montgomery and McKeown JJ.)	Application for judicial review dismissed
March 11, 1993 Court of Appeal for Ontario (Grange, Griffiths and Doherty JJ.A.)	Appeal dismissed
May 6, 1993 Supreme Court of Canada	Application for leave to appeal filed

Eastwalsh Homes Ltd.

v. (23590)

**Anatal Development Corporation and
Anatal Developments Limited (Ont.)**

NATURE OF THE CASE

Commercial law - Sale - Contracts - Damages - Agreement of purchase and sale for building lots providing that Respondent Anatal Developments Ltd. was to use its best efforts to register a plan of subdivision within a specific time period - Plan of subdivision not registered and agreement terminated - Applicant's action in damages for breach of contract allowed by the Supreme Court of Ontario - If a wrongdoer deprives a plaintiff of a chance or opportunity, what principles are applicable to the award of damages - For what kind of wrong does a wrongdoer bear an onus to show the uncertainty of damages, and how is that onus satisfied - Whether the Court of Appeal erred in interfering with the trial judge's finding of fact based on several weeks of expert testimony.

PROCEDURAL HISTORY

April 17, 1990 Supreme Court of Ontario (Ewaschuk,J.)	Applicant's action in damages allowed
March 17, 1993 Court of Appeal for Ontario (McKinlay, Griffiths and Doherty JJ.A.)	Appeal allowed
May 13, 1993 Supreme Court of Canada	Application for leave to appeal filed

The Canadian Broadcasting Corporation

v. (23596)

Her Majesty the Queen & T. S., and
The alleged victims, Doug McConachie, Armadale
Communications, Canadian Press, Ronald Sterling,
Linda Sterling, Travis Sterling, James Elstad,
Darryl Ford, Edward Revesz, Darren
Sabourin and John Popowich (Crim.)(Sask.)

NATURE OF THE CASE

Criminal law - *Canadian Charter of Rights and Freedoms* - Procedural law - Young offenders - Evidence - Appeals - Order prohibiting the publication of evidence until all related trials completed granted by Provincial Youth Court of Saskatchewan - Whether there is right of appeal for the media affected by an order restricting publication of evidence at a trial from the decision which restricts publication - Principles applicable in balancing the right of the media guaranteed by s. 2(b) of the *Charter* against the interests of witnesses and other third parties which might be affected by publication - Whether the Provincial Youth Court judge erred in restricting the media's right to publish the evidence at the trial of the accused Respondent, T.S.

PROCEDURAL HISTORY

March 3, 1993 Provincial Youth Court of Saskatchewan (Lavoie P.C.J.)	Order prohibiting the publication of evidence until all related trials completed granted
March 11, 1993 Court of Appeal for Saskatchewan (Bayda C.J.S., Tallis and Sherstobitoff JJ.A.)	Appeal dismissed
May 10, 1993 Supreme Court of Canada	Application for leave to appeal filed

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

David White

v. (23605)

Her Majesty the Queen (Crim.)(Qué.)

NATURE OF THE CASE

Criminal law - Evidence - Jury - Whether the trial judge erred in allowing the jury to listen to cassettes of testimony alone in the jury room - Jury returning four hours later with a guilty verdict - Whether the trial judge erred in making it impossible to make sure that the jury complied with the legal requirements with regards to the re-hearing - Whether the Applicant's fundamental right to be present at all stages of the trial in which his vital interests would be affected was violated - Whether the Court of Appeal erred in hearing the Applicant's appeal in his absence.

PROCEDURAL HISTORY

June 17, 1988
Superior Court, Criminal Division
(SteinbergJ.)

Conviction: first degree murder

June 12, 1990
Québec Court of Appeal
(Monet, Beauregard and TourignyJJ.A.)

Appeal dismissed

May 18, 1993
Supreme Court of Canada

Application for leave to appeal filed

Partagec Inc.

c. (23587)

**Communauté urbaine de Québec et Ville de Québec, et
Bureau de révision de l'évaluation foncière du Québec (Qué.)**

NATURE DE LA CAUSE

Droit fiscal - Législation - Interprétation - Demanderesse invoquant les art. 204(14) et 236(1.1) de la *Loi sur la fiscalité municipale*, L.R.Q., ch. F-2.1, pour obtenir l'exemption de taxes foncières et de taxes d'affaires - Est-ce que la Cour d'appel a erré en posant la règle que toute exemption fiscale doit être interprétée restrictivement et en l'appliquant aux art. 204(14) et 236(1.1) de la *Loi*? - La Cour d'appel a-t-elle eu raison de considérer la demanderesse comme un occupant imposable d'un immeuble exempt en vertu de l'art. 204(14) de la *Loi*? - La Cour d'appel a-t-elle eu raison de permettre à l'évaluateur de l'intimée, la Communauté urbaine de Québec, de changer d'avis quant au caractère non imposable de la demanderesse, pour les exercices financiers de 1985 et 1986?

HISTORIQUE PROCÉDURAL

Le 29 juin 1988 Bureau de révision de l'évaluation foncière du Québec (Boileau, P. et L'Heureux, J.)	Plaintes rejetées
Le 26 septembre 1991 Cour du Québec (Boulanger j.)	Appel accueilli
Le 19 mars 1993 Cour d'Appel du Québec (Beauregard, LeBel et Brossard j.j.c.a.)	Appel rejeté
Le 12 mai 1993 Cour Suprême du Canada	Demande d'autorisation d'appel déposée

Dr. Samuel B. Nisbett

v. (23594)

The Manitoba Human Rights Commission and Donald Knight (Man.)

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Procedural law - Labour law - Appeals - Two complaints made against the Applicant alleging that he contravened ss. 14(1) and 19 of the *Human Rights Code*, S.M. 1987-88, c. 45 - Applicant's application for an Order prohibiting the Respondents from adjudicating on the ground that his rights under ss. 7 and 11(b) of the *Charter* had been violated by the Respondent Commission's delay in proceeding with the complaints granted - Whether the *Charter* applies to the *Human Rights Act* - Whether the fact that the Court of Appeal in choosing not to follow the decisions in *Kodellas v. Saskatchewan Human Rights Commission* (1989), 5 W.W.R. 1 (Sask. C.A.), and *Harvey v. Law Society (Newfoundland)* (1992), 2 Admin. L.R. (2d) 306 (S.C.T.D.), creates a split of jurisprudence which can only be resolved by the Supreme Court of Canada - Whether the effect of the decision of the Court of Appeal is to permit the Human Rights Commission of Manitoba and any other jurisdiction to take extraordinary amounts of time and delay without a remedy under the *Charter*.

PROCEDURAL HISTORY

April 10, 1992 Court of Queen's Bench of Manitoba (Dureault J.)	Applicant's application for an Order prohibiting the Respondents to adjudicate granted
March 30, 1993 Court of Appeal for Manitoba (Scott C.J.M., Huband and Helper J.J.A.)	Appeal allowed
May 13, 1993 Supreme Court of Canada	Application for leave to appeal filed

Stephen James King

v. (23601)

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

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Evidence - Trial - Defence - Charge to jury - Right to the effective assistance of counsel - Whether the Court of Appeal erred in refusing to admit fresh evidence regarding the issue of right to the effective assistance of counsel - Whether the Court of Appeal erred in failing to hold that the trial judge erred in omitting to charge the jury regarding the *mens rea* of the aggravated assault and the justification of self-defence - Whether the Court of Appeal erred in failing to address the effect of the Applicant testifying on his sentencing hearing, regarding his perception that he had been acting in self-defence.

PROCEDURAL HISTORY

December 10, 1990
Ontario Court of Justice
(Humphrey J.)

Conviction: Aggravated assault

January 12, 1993
Court of Appeal for Ontario
(Grange, Krever and Abella JJ.A.)

Appeal against conviction dismissed; application for leave to appeal against sentence granted and appeal against sentence dismissed

May 31, 1993
Supreme Court of Canada

Application for leave to appeal filed

JULY 2, 1993 / LE 2 JUILLET 1993

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

Nathan Edward Zastowny

v. (23468)

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

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Search and seizure - Narcotics - Should evidence of warrantless search of automobile parked on private property have been excluded? - Was search reasonable? - Did Court of Appeal err in upholding rulings of trial judge?

PROCEDURAL HISTORY

February 14, 1992 Provincial Court of British Columbia (Nimsick,J.)	Conviction: possession of cocaine and marijuana for purposes of trafficking
October 14, 1992 (reasons released November 4, 1992) Court of Appeal for British Columbia (Carrothers, Proudfoot and Hollinrake,JJ.A.)	Appeal dismissed
June 6, 1993 Supreme Court of Canada	Application for leave to appeal filed

Richard Kevin Hammerbeck

v. (23512)

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

NATURE OF THE CASE

Criminal law - Offences - Interpretation - Section 282 of the *Criminal Code* - Applicant convicted of abduction of his child in contravention of custody order - Whether Court of Appeal erred in failing to find that trial court had no jurisdiction on basis that offence was not committed in British Columbia - Whether Court of Appeal erred in finding that indictment could be amended - Did Court of Appeal err in failing to act upon evidence of perjury of witness? -Whether prosecution of Applicant was an abuse of process - Non disclosure of evidence.

PROCEDURAL HISTORY

May 28, 1992 Supreme Court of British Columbia (Singh,J.)	Conviction: abduction contrary to custody order
March 22, 1993 Court of Appeal for British Columbia (Carrothers, Cumming and Hollinrake,JJ.A.)	Appeal dismissed
May 25, 1993 Supreme Court of Canada	Application for leave to appeal filed

Makhan Singh Saini

v. (23619)

The Minister of Employment and Immigration (Ont.)

NATURE OF THE CASE

Immigration - Administrative law - Jurisdiction - Convention refugee status - Federal Court of Appeal holding that evidence disclosed no circumstances particular to Applicant that would lead one to conclude that there is any likelihood that the central government's authorities in Punjab would seek him elsewhere in India - Whether the Federal Court of Appeal erred in law in upholding the decision of the Immigration and Refugee Board that the Applicant had an internal flight alternative available to him.

PROCEDURAL HISTORY

May 29, 1991 Immigration and Refugee Board Refugee Division (Hanson and Ferdinand)	Claim for Convention refugee status dismissed
March 22, 1993 Federal Court of Appeal (Mahoney, Stone and Linden JJ.A.)	Appeal dismissed
May 21, 1993 Supreme Court of Canada	Application for leave to appeal filed

Walter Gordon McOuat

v. (23600)

The Law Society of British Columbia (B.C.)

NATURE OF THE CASE

Administrative law - Appeal - Law of professions - Jurisdiction - Barristers and Solicitors - Statutes - Section 36(7)(b) and (c) of the *Legal Profession Act*, S.B.C. 1987, C. 25 - Standard of review - Whether administrative tribunal is guilty of palpable and overriding error - Whether a governing body of a self-governing profession has standing before a Court of Appeal on an appellate review to defend the correctness of its own decision, or whether, when no issue of jurisdiction is involved, it is limited to explaining the record - Whether a Court of Appeal fails in its duty to intervene to prevent injustice being done to a litigant when it applies the incorrect standard of review in applying judicial review standards when appellate review standards are required - Whether an appellate court can abrogate a statutory right of appeal from a decision of a governing body of a self-governing profession by declining jurisdiction to intervene because the body was exercising a discretionary power - Whether the Court of Appeal erred in introducing public policy considerations into its decision in the case of a statutory appeal from a decision of a self-governing profession.

PROCEDURAL HISTORY

June 12, 1992 Law Society of British Columbia (Credentials Committee)	Application for reinstatement dismissed
March 31, 1993 Court of Appeal for British Columbia (Hinkson, Proudfoot and Gibbs JJ.A.)	Appeal dismissed

May 25, 1993
Supreme Court of Canada

Application for leave to appeal filed

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

Richard Smith

v. (23618)

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

NATURE OF THE CASE

Criminal law - Evidence - Jury selection - Challenge for cause directed at uncovering any prejudice arising from pre-trial publicity - Whether the Court of Appeal erred by deciding that the challenge for cause had no "air of reality" to it - Whether the Court of Appeal erred in law in their definition of the legal concept of "air of reality".

PROCEDURAL HISTORY

July 5, 1990
Supreme Court of Ontario
(O'Brien,J.)

Conviction: second degree murder contrary to s. 229 of the *Criminal Code*

April 20, 1993
Court of Appeal for Ontario
(Blair, Finlayson and Osborne,JJ.A.)

Appeal from conviction dismissed

May 20, 1993
Supreme Court of Canada

Application for leave to appeal filed

G. N. D.

v. (23513)

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

NATURE OF THE CASE

Criminal law - Evidence - Admissibility of statements - Hearsay - Child complainant made statements alleging sexual touching by the Applicant - Whether the Court of Appeal erred in law in holding that one of the requirements of admissibility of hearsay statements, that the statements be made prior to litigation, pursuant to the judgments of the Supreme Court of Canada in *Ares v. Venner*, [1970] S.C.R. 608 and *R. v. Khan*, [1990] 2 S.C.R. 608 was not a strict requirement and may have only limited relevance to the declarations of children - Whether the Court of Appeal erred in law in holding that the statement made by the child five months after the incident and charges were laid was admissible - Whether the admission into evidence of conversations five months after the incident was an error and if so whether it occasioned substantial wrong or miscarriage of justice - Whether the Court of Appeal erred in law in holding that evidence of the child's physical actions and comments were not hearsay evidence and were admissible - Whether the Court of Appeal erred in law in holding that the *voir dire* procedure adopted by the trial judge permitting Crown counsel to read into evidence witness summaries and

permitting defense counsel to cross-examine occasioned no substantial wrong or miscarriage of justice -Whether the Court of Appeal erred in law in holding that the trial judge did not err in applying the burden of proof and the standard of reasonable doubt?

PROCEDURAL HISTORY

February 18, 1991 Ontario Court of Justice (General Division) (Fedak J.)	Conviction: sexual touching of a person under the age of fourteen contrary to s. 151 of the <i>Criminal Code</i>
April 1, 1993 Court of Appeal for Ontario (Goodman, Weiler and Austin JJ.A.)	Appeal dismissed
May 31, 1993 Supreme Court of Canada	Application for leave to appeal filed

**Millar Western Pulp (Meadow Lake) Ltd. and
Norsask Forest Products Inc.**

v. (23576)

**Leon Iron and Saskatchewan Action Foundation
for the Environment, Inc. (Sask.)**

NATURE OF THE CASE

Procedural law - Actions - Appeals - Respondents applying for judicial review and Applicants applying to be added as parties to that application - Court of Queen's Bench dismissing Applicant's application but ordering that they be permitted to intervene and be added as parties subject to conditions - Applications for leave to appeal dismissed - Role the developer of a project which is subject to environmental review will play if public interest groups challenge regulatory decisions affecting the project - Whether access to the Court of Appeal was properly denied in the circumstances.

PROCEDURAL HISTORY

December 16, 1992 Court of Queen's Bench of Saskatchewan (Wimmer J.)	Fiat: Order that Applicants be permitted to intervene and be added as parties under conditions
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January 14, 1993 Court of Appeal for Saskatchewan (Cameron J.A.)	Applications for leave to appeal dismissed
April 5, 1993 Court of Appeal for Saskatchewan (Bayda C.J.S., Vancise and Jackson [diss.] J.A.)	Appeal dismissed
May 11, 1993 Supreme Court of Canada	Application for leave to appeal filed

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

Raymond Desfossés

v. (23526)

Warden of Parthenais Prevention Centre (Crim.) (Qué.)

NATURE OF THE CASE

Criminal law - International law - Procedural law - Extradition - Evidence - Appeals - Applicant indicted in the United States - Superior Court of Quebec, Criminal Division ordering extradition of the Applicant and issuing a warrant of committal - Application for a writ of *habeas corpus* with *certiorari* in aid dismissed by the Superior Court - Court of Appeal dismissing Motion to adduce new evidence - Whether Court of Appeal erred by not addressing Applicant's contention that there exist an obligation of divulgation of evidence in extradition matters - Whether Court of Appeal erred by misinterpreting a denial of due process to the Applicant when he was denied the right a call evidence at the *habeas corpus* hearing - Whether the Court of Appeal erred when it refused to set aside affidavits introduced in the extradition hearing, which on their face, were ille gal and contrary to acceptable standards accorded to such documents - Whether the Court of Appeal erred by reducing the Applicant's submissions to issues of credibility, when in fact the issue raised dealt with a total absence of evidence as relates to all the counts raised in the extradition hearing - Whether the Court of Appeal erred by refusing new evidence relevant to demonstrating a total absence of evidence, which complied with the test set out in the case of *R. v. Stolar*, [1988] 1 S.C.R 480.

PROCEDURAL HISTORY

June 19, 1992 Superior Court of Quebec, Criminal Division (Ducros J.)	Extradition ordered: Warrant of committal issued
August 21, 1992 Superior Court of Quebec, Criminal Division (Boilard J.)	Application for writ of <i>habeas corpus</i> with <i>certiorari</i> in aid dismissed
February 5, 1993 Court of Appeal of Quebec (McCarthy, Chouinard and Proulx J.A.)	Appeal dismissed
May 21, 1993 Supreme Court of Canada	Application for leave to appeal filed

June 28, 1993
Supreme Court of Canada

Notice of motion for extension of time

Centre communautaire juridique de la Mauricie Bois-Francis

c. (23616)

**Syndicat des avocats de l'aide juridique de la Mauricie Bois-Francis
Me Claude Morency et Me Roland Tremblay (Qué.)**

NATURE DE LA CAUSE

Droit du travail - Arbitrage - Droit administratif - Contrôle judiciaire - Compétence - Sentence arbitrale - Remède - Alinéas 100.12d) et f) du *Code du travail*, L.R.Q. (1977), ch. C-27 - Lorsqu'un arbitre conclut que le congédiement contrevient aux dispositions de la convention collective, possède-t-il la compétence d'annuler le congédiement et de prononcer le maintien du lien d'emploi du salarié avec son employeur alors qu'il n'ordonne pas sa réintégration?

HISTORIQUE PROCÉDURAL

Le 6 mai 1991
Cour supérieure du Québec
(Corriveau j.c.s.)

Recours en évocation à l'encontre de deux sentences
arbitrales rejetés

Le 31 mars 1993
Cour d'appel du Québec
(Nichols, Vallerand et
Rousseau-Houle j.j.c.a.)

Pourvoi rejeté

Le 28 mai 1993
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Edward Davis

v. (23577)

**Saltspring Island Water Preservation Society, North
Saltspring Waterworks District, and Aubrey Marler,
and Attorney General for Canada (B.C.)**

NATURE OF THE CASE

Constitutional - Environment law - Waters & watercourses - *Regulation* SOR/85-186 adding St. Mary Lake to Schedule III of the *Boating Restriction Regulations*, C.R.C. 1978, c. 1407, prohibiting the use of power boats, declared validly enacted and enforceable - Extent of Parliament's power to use the jurisdiction granted to it under s. 91(10) of the *Constitution Act, 1867*, to legislate with respect to and for the purpose of the protection of the environment - Operation of the principles of *stare decisis* and fairness in constitutional litigation in circumstances where an enactment is declared of no force or effect pursuant to s. 52(1) of the *Constitution Act, 1982*, and doubt is later thrown on the correctness of that declaration in a later, unrelated court proceeding.

PROCEDURAL HISTORY

October 19, 1990 Supreme Court of British Columbia (Millward J.)	Application granted and <i>Regulation</i> SOR/85-186 declared validly enacted and enforceable
March 10, 1993 Court of Appeal for British Columbia (Carrothers, Hollinrake and Rowles JJ.A.)	Appeal dismissed
May 12, 1993 Supreme Court of Canada	Application for leave to appeal filed

JULY 13, 1993 / LE 13 JUILLET 1993

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

Cidalia Miguel

v. (23644)

**Catholic Children's Aid Society
of Metropolitan Toronto (Ont.)**

NATURE OF THE CASE

Family law - *Canadian Charter of Rights and Freedoms* - Custody - Adoption - Status review hearing - Crown wardship order made with respect to the Applicant's child - Whether the Court of Appeal erred in reversing findings of fact made by the trial judge - Whether the Court of Appeal erred in admitting new evidence - Whether the Court of Appeal erred in substituting a judgement rather than order a new trial, depriving the Applicant of the right to have new evidence tested by a trier of fact and violating the Applicant's right to due process and to security as guaranteed by s. 7 of the *Charter* - Whether the Court of Appeal erred in substituting its finding of fact that a court order was necessary to protect the child - Whether the Court of Appeal erred in finding that the best interests of the child pursuant to the *Child and Family Services Act*, R.S.O. 1990, c. 11 are subject to the Respondent society satisfying the Court that intervention continues to be necessary to protect the child - Whether the Court of Appeal erred in failing to consider less intrusive alternatives mandated by the *Act* - What is the proper role for child's counsel appointed to protect the child's interests pursuant to the *Act*?

PROCEDURAL HISTORY

February 17, 1992 Ontario Court (Provincial Division) (Bean J.)	Order pursuant to s. 57(9) of the <i>Child and Family Services Act</i> : child returned to the Applicant.
December 14, 1992 Ontario Court (General Division) (MacDonald J.)	Appeal dismissed
May 4, 1993 Court of Appeal for Ontario (Krever, Catzman and Weiler JJ.A.)	Appeal allowed: trial order set aside; child made a Crown ward, without access, for purposes of adoption

July 5, 1993
Supreme Court of Canada

Application for leave to appeal filed

James Egan and John Norris Nesbit

v. (23636)

Her Majesty the Queen in Right of Canada (F.C.A.)

NATURE OF THE CASE

Constitutional law - *Canadian Charter of Rights and Freedoms* - Statutes - Interpretation - Applicant Nesbit's application for spousal allowance rejected on the basis that the relationship of the Applicants did not meet the definition of "spouse" prescribed by s. 2 of the *Old Age Security Act*, R.S.C. 1985, c. O-9 - Applicants seeking declarations that *Old Age Security Act* contrary to s. 15 of the *Charter*; that the definition of "spouse" in s. 2 be extended to include "partners in same-sex relationships otherwise akin to conjugal relationship" and that the Respondent be directed to pay the spousal benefit allowance - Whether Parliament can, as a matter of constitutional law, deprive homosexual couples of benefits that would otherwise be available to heterosexual couples.

PROCEDURAL HISTORY

December 2, 1991
Federal Court, Trial Division
(Martin,J.)

Applicants' claims dismissed

April 29, 1993
Federal Court of Appeal
(Mahoney, Linden [dissenting] and Robertson,JJ.A.)

Appeal dismissed

June 17, 1993
Supreme Court of Canada

Application for leave to appeal filed

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

**Yukon Human Rights Commission and
Madeleine Gould**

v. (23584)

**Yukon Order of Pioneers, Dawson Lodge Number 1
and Walter Groner (Yuk.)**

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Civil rights - Procedural law - Statutes - Interpretation - Applicant Gould's application for membership to Respondent Order of Pioneers rejected because of her sex - Board of Adjudication allowing complaint of discrimination pursuant to Yukon *Human Rights Act*, S.Y. 1987, c. 3 - Whether the Court of Appeal erred in reversing the Board's finding of fact concerning the Pioneers' service and the quality of that service as being affected by the refusal of membership to women - Whether the Court of Appeal erred in interpreting s. 8(a) of the *Act* narrowly - Whether the Court of Appeal erred in balancing the anti-discrimination prohibition of the *Act* against other freedoms provided for in the *Act*, outside of the context of any provision in the *Act* similar to s. 1 of the *Charter*; and in using the *Act's* freedom of expression guarantees to restrict the scope of the anti-discrimination prohibition in section 8(a) of the *Act*, thereby departing from *R. v. Keegstra* - Whether the Court of Appeal erred in holding that it did not have to consider whether there was reasonable cause for discrimination by the Pioneers under s. 9 of the *Act* or whether the actions of the Pioneers were exempted under s. 10 of the *Act*.

PROCEDURAL HISTORY

January 24, 1989 Board of Adjudication	Order that Respondent cease discrimination pursuant to <i>Human Rights Act</i>
March 8, 1991 Supreme Court of the Yukon Territory (Wachowich J.)	Appeal allowed
March 9, 1993 Court of Appeal for the Yukon Territory (Hinkson, Toy and Taylor JJ.A.)	Appeal dismissed
May 7, 1993 Supreme Court of Canada	Application for leave to appeal filed

Cooperators General Insurance Company

v. (23502)

Judgment Recovery (P.E.I.) Ltd. (P.E.I.)

NATURE OF THE CASE

Commercial law - Statutes - Insurance - Judgment and orders - Renewal - Whether owner insured although premium not paid - Whether a policy of insurance is renewed by the forwarding of renewal documents and whether the delivering of an insurance card ("pink slip") is a policy of insurance in and of itself - *Insurance Act*, R.S.P.E.I., 1988, Cap. I-4.

PROCEDURAL HISTORY

February 8, 1993
Supreme Court of Prince Edward Island,
Appeal Division
(Carruthers C.J., Mitchell and
DesRoches (*ad hoc*) J.J.A.)

Appeal allowed

April 15, 1993
Supreme Court of Canada
(Sopinka J.)

Motion to extend the time to apply for leave to appeal
to June 1, 1993, granted

June 1, 1993
Supreme Court of Canada

Application for leave to appeal filed

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

Conseil de la santé et des services sociaux de la région de Montréal Métropolitain

c. (23604)

Ville de Montréal et Communauté urbaine de Montréal

ENTRE:

Buanderie centrale de Montréal Inc.

c.

Ville de Montréal et Communauté urbaine de Montréal (Qué.)

NATURE DE LA CAUSE

Droit fiscal - Municipalités - Législation - Interprétation - Procédure - Appel - Taxes d'affaires - Taxes foncières - Droit des demandeurs de bénéficier des exemptions fiscales prévues aux art. 204(14) et 236 de la *Loi sur la fiscalité municipale*, L.R.Q. 1977, ch. F-2.1 - Définition de l'expression "établissement public" au sens des art. 1b), 10 et 11 de la *Loi sur les services de santé et les services sociaux*, L.R.Q. 1977, ch. S-5 - Application du principe de l'*alter ego* en matière de fiscalité municipale - Principes d'interprétation applicables aux lois fiscales - Refus de la Cour d'appel de considérer un moyen additionnel soulevé en appel.

HISTORIQUE PROCÉDURAL

Le 19 octobre 1989 Cour supérieure du Québec (Lemieux j.c.s.)	Actions en nullité et en remboursement de taxes rejetées
Le 19 mars 1993 Cour d'appel du Québec (Beauregard, LeBel et Brossard jj.c.a.)	Pourvois rejetés
Le 17 mai 1993 Cour suprême du Canada	Demande d'autorisation d'appel déposée

Jean Fournier

c. (23562)

Canadian Human Rights Commission (F.C.A.)

NATURE OF THE CASE

Procedural law - Statutes - Interpretation - Evidence - Jurisdiction - Applicant filing complaint with Respondent against Privy Council Office alleging discrimination on the basis of family status - Respondent deciding not to deal with the complaint pursuant to s. 41(d) of the *Canadian Human Rights Act*, R.S.C. 1985, c. H-6 - Applicant's application for *certiorari* and *mandamus* dismissed by the Federal Court, Trial Division - Whether the Federal Court of Appeal erred in its interpretation and application of the principles of law governing the issue of administrative bias not formally raised in first instance - Whether the Federal Court of Appeal erred in concluding that most of the new evidence that the Applicant wished to introduce into the record could have been adduced in first instance - Whether the Federal Court of Appeal erred in its interpretation and application of the principles of law governing the issue of reasonable apprehension of bias - Whether the Federal Court of Appeal erred in its interpretation and application of the *Canadian Human Rights Act* - Whether the Federal Court of Appeal erred in its interpretation and application of the principles of law governing the issue of the rules of procedural fairness - Whether the Federal Court of Appeal erred in concluding that the Applicant did not adduce evidence establishing bad faith or consideration of extraneous factors.

PROCEDURAL HISTORY

March 24, 1992 Federal Court, Trial Division (Rouleau, J.)	Application for <i>certiorari</i> and <i>mandamus</i> dismissed
March 31, 1993 Federal Court of Appeal (Heald, Décary and Linden, JJ.A.)	Appeal dismissed
May 31, 1993 Supreme Court of Canada	Application for leave to appeal filed

**JUDGMENTS ON APPLICATIONS
FOR LEAVE**

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

JUNE 24, 1993 / LE 24 JUIN 1993

23520 CARSTEN MOGENS EGEDEBO, CONNY VALBY EGEDEBO and SEAN EGEDEBO, a Minor by his Guardian ad Litem, CARSTEN MOGENS EGEDEBO - v. - Dr. LORNE BUECKERT and Dr. RICHARD STERN (B.C.)

CORAM: The Chief Justice and McLachlin and Major J.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Torts - Negligence - Damages - Physicians and surgeons - Standard of care - Applicant Carsten becoming triplegic following the rupture of a congenital vascular malformation of the spinal cord - Action in damages for medical negligence and breach of contract dismissed - Whether the Court of Appeal erred in failing to consider the interrelationship between the standard of care and causation, and in particular the impact of a breach of the standard of care on the ability of the Applicant to prove the issue of causation - Whether the Court of Appeal failed in not considering the interrelationship between *Cook v. Lewis*, [1952] 1 D.L.R. 1, and *Snell v. Farrell*, [1990] 2 S.C.R. 311.

JUNE 30, 1993 / LE 30 JUIN 1993

23437 SERVICE EMPLOYEES' INTERNATIONAL UNION, LOCAL 336 v. EASTEND WOLF WILLOW HEALTH CENTRE and CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 2297 and SASKATCHEWAN LABOUR RELATIONS BOARD (Sask.)

CORAM: The Chief Justice, McLachlin and Major J.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Administrative law - Labour law - Union representation - Successor employer - Labour Relations - Saskatchewan Labour Relations Board - Order of the Board - Jurisdiction - *Trade Union Act*, R.S.S. 1978, c. T-17, ss. 6(1), 37 - Whether Court of Appeal erred in finding that the decision of the Labour Relations Board was not patently unreasonable - Whether review of evidence by Court of Appeal was extensive enough - Whether Labour Relations Board had jurisdiction to determine a matter under s. 37, *Trade Union Act*.

23467332415 ALBERTA LTD. and GEORGE ERIC WHISELL v. P.F.C. FINANCIAL LTD. - and between - 332416 ALBERTA LTD. v. PETER H. POCKLINGTON (Alta.)

CORAM:The Chief Justice, McLachlin and Major JJ.

The application for leave to appeal is dismissed with costs.

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

NATURE OF THE CASE

Property law - Real property - Agreement of purchase and sale - Mortgage - Foreclosure -Easement - Evidence - Whether Applicant should have been permitted to introduce new evidence before the appeal was heard - Whether Court of Appeal failed to identify the bias or perceived bias of the trial judge as a result of his membership in the Edmonton Country Club.

23426ALCAN ALUMINIUM LIMITED v. DELGAMUUKW, also known as EARL MULDOE, suing on his own behalf and on behalf of all the members of the Houses of Delgamuukw and Haaxw et al - and - HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA and the ATTORNEY GENERAL OF CANADA (B.C.)

CORAM:The Chief Justice, McLachlin and Major JJ.

The application for leave to appeal is dismissed with costs.

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

NATURE OF THE CASE

Procedural law - Actions - Appeals Whether Court of Appeal erred in not adding Applicant as a Respondent.

23503CLIFFORD HARTNELL CORY and MARY LOU CORY v. NORMAN DANIEL MARSH (B.C.)

CORAM:The Chief Justice, McLachlin and Major JJ.

The application for leave to appeal is dismissed with costs.

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

NATURE OF THE CASE

Torts - Procedural law - Damages - Appeals - Applicants suffering injuries in motor vehicle accident - Respondent admitting liability for injuries suffered by Applicants in motor vehicle accident - Applicant Mary Lou Cory dying after trial and evidence of her death admitted as fresh evidence before the Court of Appeal for British Columbia - Court of Appeal reducing damage awards to the Applicants and award for future costs and earnings of the Applicant Mary Lou Cory - Whether the Court of Appeal erred in deciding that evidence of the death of one of the Applicants, occurring after the jury verdict and after judgment had been entered, should be admitted, thereby allowing damages for future care and earnings to be eliminated for the period after her death, such damages having been calculated and awarded at trial on the basis of actuarial evidence including life expectancy - Whether the Court of Appeal erred in usurping the role of the jury by overturning the awards for non-pecuniary damages made by the jury by applying the wrong test.

22640-38 BRITISH COLUMBIA COUNCIL OF HUMAN RIGHTS - v. - UNIVERSITY OF BRITISH COLUMBIA SCHOOL OF FAMILY AND NUTRITIONAL SCIENCES - and - JANICE BERG - and - CANADIAN HUMAN RIGHTS COMMISSION - and between - JANICE BERG - v. - UNIVERSITY OF BRITISH COLUMBIA SCHOOL OF FAMILY AND NUTRITIONAL SCIENCES - and - BRITISH COLUMBIA COUNCIL OF HUMAN RIGHTS - and - CANADIAN HUMAN RIGHTS COMMISSION (B.C.)

CORAM: The Chief Justice and La Forest, L'Heureux-Dubé, Sopinka, Gonthier, Cory, McLachlin, Iacobucci and Major II.

A re-hearing on written argument is granted. The judgment of this Court is varied to include costs to appellant in all three courts.

Une nouvelle audition sur l'argumentation écrite est accordée. L'arrêt de notre Cour est modifié de façon à inclure des dépens en faveur de l'appelant dans les trois cours.

NATURE OF THE CASE

Administrative law - Statutes - Civil rights - Interpretation - Judicial review - Jurisdiction - Discrimination - Application of s. 3 of the *Human Rights Act*, S.B.C. 1984, c. 22 - Interpretation of "accommodation, service or facility customarily available to the public".

JULY 2, 1993 / LE 2 JUILLET 1993

22251/52 CIBA-GEIGY CANADA LTD. - and - APOTEX INC. - and between - CIBA-GEIGY CANADA LTD. - and - NOVOPHARM LIMITED (Ont.)

CORAM: La Forest, L'Heureux-Dubé, Gonthier, Iacobucci and Major II.

The motion of the appellant dated April 22, 1993 is granted. The judgment dated October 29, 1992 is varied to read as follows:

The appeals are allowed with costs in this Court and in the courts below. The second paragraph of the disposition in the judgment rendered by Fitzpatrick J. is replaced by the following paragraph:

2. THIS COURT ORDERS that with respect to the marketing of prescription drugs, a plaintiff in an action for the alleged passing off of a prescription drug must establish that the conduct complained of is likely to result in the confusion of physicians, pharmacists or patients/customers in choosing whether to prescribe, dispense or request either the plaintiff's or the defendant's product.

La requête de l'appelant en date du 22 avril 1993 est accordée. Le jugement en date du 29 octobre 1992 est rectifié et doit se lire ainsi:

Les appels sont accueillis avec dépens devant cette Cour et devant les cours d'instance inférieure. Le deuxième paragraphe du dispositif du jugement rendu par le juge Fitzpatrick est remplacé par le paragraphe suivant:

[TRANSLATION] 2. NOTRE COUR DÉCLARE qu'en ce qui concerne la commercialisation des médicaments délivrés sur ordonnance, un demandeur, dans une action en prétendue commercialisation trompeuse d'un médicament délivré sur ordonnance, doit établir que la conduite reprochée risque de semer la confusion dans l'esprit des médecins ou des pharmaciens, ou dans celui des patients clients, lorsqu'ils doivent choisir de prescrire, de délivrer ou de demander soit le produit du demandeur, soit celui du défendeur.

NATURE OF THE CASE

Torts – Passing-off – Prescription drug – Customers of pharmaceutical laboratories – Products having similar appearance – Whether patients included in pharmaceutical laboratories' clientele for purposes of a passing-off action concerning the get-up of a prescription drug.

JULY 8, 1993 / LE 8 JUILLET 1993

23400DONALD G. BURNLEY v. THE UNIVERSITY OF NEW BRUNSWICK, a duly incorporated university by virtue of the *University of New Brunswick Act* (N.B.)

CORAM: La Forest, Cory and Iacobucci II.

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 - Colleges and universities - Statutes - Judicial review - Fairness - Labour law - Apprehension of bias - Whether Court of Appeal erred in ruling that university board was authorized to delegate powers to suspend and dismiss employee.

23418ROGER RUSSELL MALEY v. MONTREAL TRUST COMPANY (Sask.)

CORAM: La Forest, Cory and Iacobucci II.

The application for leave to appeal is dismissed with costs.

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

NATURE OF THE CASE

Commercial law - Contracts - Sale - Fraud - Remedies - Land titles - Mines and minerals - Unilateral mistake - Rectification - Applicant, former employee of Respondent, purchasing land from Respondent - Contract violating company policy - Should contract have been rectified?

23448 ISAHACK MOHAMMED ALI c. MINISTRE DE L'EMPLOI et de L'IMMIGRATION (C.A.F.)

CORAM: Les juges L'Heureux-Dubé, Sopinka et Gonthier

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

The application for leave to appeal is dismissed without costs.

NATURE DE LA CAUSE

Immigration - Procédure - Appel - Section du statut de réfugié de la Commission de l'immigration et du statut de réfugié rejette la demande de reconnaissance du statut de réfugié du demandeur - Appel rejeté par la Cour d'appel fédérale - Est-ce que la Cour d'appel fédérale a commis une erreur de droit en considérant que l'absence de transcription de l'audition ne constituait pas un manquement aux règles de justice fondamentale? - Est-ce que la majorité de la Cour d'appel fédérale a commis une erreur de droit en n'annulant pas la décision alors que la Section du statut avait omis de s'interroger sur la question de savoir si le seul fait d'appartenir à un groupe social objet de persécution n'était pas suffisant pour faire du demandeur un réfugié au sens de la *Convention des Nations Unies relative au statut des réfugiés*, indépendamment du crédit donné ou non à son récit personnel?

23523 DONALD C. LOISELLE c. LA SOCIÉTÉ CANADA TRUST, LE PERMANENT (Qué.)

CORAM: Les juges L'Heureux-Dubé, Sopinka et Gonthier

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

The application for leave to appeal is dismissed with costs.

NATURE DE LA CAUSE

Procédure - Procédure civile - Actions - Droit du travail - Contrats - Recours collectif - Agents d'immeuble rémunérés à commission - Clause du contrat de travail obligeant les agents à contribuer au fonds de promotion de leur employeur - Requête du demandeur pour être autorisé à exercer un recours collectif contre l'intimée en nullité de la clause relative au fonds de promotion et en remboursement des sommes illégalement perçues - Requête rejetée au motif que le demandeur ne rencontre pas les exigences des par. 1003a) et 1003b) du *Code de procédure civile*, L.R.Q. (1977), ch. C-25 - Appel rejeté.

JULY 15, 1993 / LE 15 JUILLET 1993

23486ROBERT LEE FORD - v. - HER MAJESTY THE QUEEN (Crim.) (B.C.)

CORAM:The Chief Justice and McLachlin and Major II.

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

La demande de prorogation de délai est autorisée. La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Criminal law - *Canadian Charter of Rights and Freedoms* - Procedural law - Evidence - Defence - Whether Court of Appeal erred in holding that the Applicant did not suffer any infringement of his right to a fair trial under ss. 7 and 11 of the *Charter* when he was not provided with disclosure of notes of an interview of a defence witness which the Respondent withheld - Whether the Court of Appeal erred in ruling that the Applicant was not deprived of his right to make full answer and defence - Whether the statement of the witness satisfies the criteria in *R. v. K.G.B.* - Whether the Court of Appeal erred in ruling that the trial judge's failure to caution the jury on the treatment of evidence of unsavoury witnesses did not constitute an improper failure to exercise his discretion - Whether the Court of Appeal erred in ruling that the trial judge's failure to caution the jury that the evidence of the former co-accused's plea of guilty to manslaughter was not evidence of the Applicant's guilt did not prejudice the Applicant's defence - Whether the Court of Appeal erred in ruling that the Applicant was not improperly cross-examined on an alleged previous assault.

23545KORNELIS KLEVERING - v. - HER MAJESTY THE QUEEN (Crim.) (Ont.)

CORAM:The Chief Justice and McLachlin and Major II.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Procedural law - Appeals - Whether Court of Appeal erred in law, infringed and violated the principles of natural justice and violated the Appellant's constitutional rights and have brought the administration of justice into disrepute by not granting extension of time to file notice of appeal.

23394 **JONATHAN TRELAWNY SILBERNAGEL v. HER MAJESTY THE QUEEN** (B.C.)

CORAM: La Forest, Cory and Iacobucci II.

The application for leave to appeal is dismissed with costs.

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

NATURE OF THE CASE

Administrative law - Judicial review - Taxation *Tax Court of Canada Act - Federal Court Act* - Judicial review - Section 28 application - Whether Federal Court of Appeal erred in law when it decided that it did not have the jurisdiction to hear an application for judicial review, made under section 28 of the *Federal Court Act*.

23410 **JACK JOSEPH LOCKE v. THE CALGARY LOCAL BOARD OF HEALTH** (Alta.)

CORAM: La Forest, Cory and Iacobucci II.

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 - Civil procedure - Actions - Costs - Respondent's motion to strike out the action on the basis that no cause of action was disclosed granted - Whether the Alberta Court of Appeal erred in law in concluding that the Applicant's Amended Statement of Claim disclosed no cause of action against the Calgary Local Board of Health, as the claim raises serious questions of law of national public importance - Whether the Court of Appeal by awarding costs in this action raises a serious and substantial questions of general public interest, the final decision in respect thereto will have significant impact upon the law throughout Canada.

23390 RICHARD HENRY LAPLANTE and ELSA LAPLANTE v. EDWARD GORDON COLLINSON and MARY MARSHALL COLLINSON (B.C.)

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

Procedural law - Appeals - Jurisdiction - Costs - Offer to settle before trial - Rule 57(20), B.C. Supreme Court Rules - *Property Law Act - Assessment Act* - Whether the Court of Appeal made a jurisdictional error by exercising its discretionary powers to award costs against a party for rejecting an offer to settle that is based on matters unconnected with the litigation and based on matters that fall outside the governing principles of Rule 57(20) of the B.C. Supreme Court Rules - Whether the Court of Appeal made a jurisdictional error in upholding the lower court's Order for Costs against the Applicants for rejecting an offer to settle, particularly when the Applicants' appeal was allowed and when the Respondents did not recover an amount equal to, greater than or even in close proximity of the amount for which they offered to settle - Whether the Court of Appeal of British Columbia erred in failing to respect the Applicants' rights under the *Charter* - Whether the Assessing Officer for the Registrar of the Supreme Court of British Columbia, in exercising his discretionary powers, understood the governing principles of Rule 57(20) of the B.C. Supreme Court Rules when he assessed the Respondents' Bill of Costs.

23487 ÉRIC BOULANGER c. EXPOSITION AGRICOLE DE BEAUCE INC. et SOCIÉTÉ DE L'ASSURANCE AUTOMOBILE DU QUÉBEC (Qué.)

CORAM: Les juges L'Heureux-Dubé, Sopinka et Gonthier

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

The application for leave to appeal is dismissed with costs.

NATURE DE LA CAUSE

Droit administratif - Législation - Procédure - Procédure civile - Dommages - Compétence - Recours - La Société d'assurance automobile du Québec et le tribunal de droit commun exercent-ils une compétence concurrente pour déterminer si le préjudice corporel résultant d'un accident susceptible d'entraîner l'application de l'article 10 de la Loi est couvert par l'indemnisation prévue par la Loi ou les règles de droit commun? - La victime peut-elle s'adresser simultanément aux deux instances? - En cas de conflit, laquelle des deux instances a préséance sur l'autre? - La décision de la Société d'assurance automobile du Québec d'indemniser la victime en fonction de la Loi constitue-t-elle une fin de non-recevoir à l'action intentée devant le tribunal de droit commun?

23499 JEAN-MARC TRUDEL INC. c. RÉAL FAFARD, ATLAS CONSTRUCTION INC. et DUMEZ CONSTRUCTION INC. (ATLAS-DUMEZ) (Qué.)

CORAM: Les juges L'Heureux-Dubé, Sopinka et Gonthier

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

The application for leave to appeal is dismissed with costs.

NATURE DE LA CAUSE

Code civil - Droit commercial - Créancier et débiteur - Intérêts - Procédure - Procédure civile - Actions - Saisie - Appel - Compétence - Jugements et ordonnances - Action sur compte - Saisie-arrêt avant jugement - Compétence de la Cour d'appel lors d'une requête en rectification de jugement - La demanderesse a-t-elle droit à l'indemnité additionnelle prévue à l'art. 1078.1 *C.c.B.C.*? - Effet de la saisie-arrêt quant au montant de la créance du saisissant.

**23578 GARDERIE BLANCHE-NEIGE INC. c. L'OFFICE DES SERVICES DE GARDE À L'ENFANCE et LE
PROCUREUR GÉNÉRAL DU QUÉBEC (Qué.)**

CORAM: Les juges L'Heureux-Dubé, Sopinka et Gonthier

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

The application for leave to appeal is dismissed with costs.

NATURE DE LA CAUSE

Charte canadienne des droits et libertés - Libertés publiques - Droit administratif - Contrôle judiciaire - Compétence - Législation - Interprétation - Subventions de fonctionnement pour les garderies accordées en vertu de la *Loi sur les services de santé et les services sociaux*, L.Q. 1971, ch. 48 et de la *Loi sur les services de garde à l'enfance*, L.R.Q. 1977, ch. S-4.1 - Exercice d'un pouvoir discrétionnaire - Compétence du gouvernement de s'attribuer les pouvoirs d'un organisme administratif - Droit d'une corporation de se prévaloir de l'art. 15 de la Charte canadienne - La décision ministérielle et gouvernementale d'établir une distinction fondée sur le statut juridique d'une corporation constitue-t-elle une discrimination fondée sur la condition sociale au sens des art. 10 et 24 de la Charte québécoise?

23569 LA GARDERIE MORIN INC. et les personnes qui ont signé la procuration en vertu de l'article 59 C.p.c. c. L'OFFICE DES SERVICES DE GARDE À L'ENFANCE, VIOLETTE TRÉPANIÉ, ministre déléguée de la condition féminine et LE PROCUREUR GÉNÉRAL DU QUÉBEC (Qué.)

CORAM: Les juges L'Heureux-Dubé, Sopinka et Gonthier

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

The application for leave to appeal is dismissed with costs.

NATURE DE LA CAUSE

Droit administratif - Contrôle judiciaire - Compétence - Législation - Interprétation - Qu'arrive-t-il lorsqu'une autorité administrative à qui le législateur a délégué un pouvoir réglementaire d'accorder des subventions l'exerce par voie de directive? - Est-ce que la *Loi modifiant la Loi sur les services de garde à l'enfance*, L.Q. 1989, ch. 59 permettait à l'Office des services de garde à l'enfance d'accorder des subventions de fonctionnement aux titulaires de permis délivrés en vertu des par. 1, 2, 3 et 4 de l'art. 4, sans accorder ces subventions aux titulaires de permis délivrés selon le par. 5 de l'art. 4 de la *Loi*?

MOTIONS

REQUÊTES

16.6.1993

Before / Devant: THE REGISTRAR

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

BY/PAR:Attorney General of Saskatchewan

IN/DANS:Her Majesty The Queen

v. (22660)

D.O.L. (Crim.)(Man.)

GRANTED / ACCORDÉE Time extended to June 7, 1993 *nunc pro tunc*

**Requête en prorogation du délai de signification et de
production du mémoire d'un intervenant**

With the consent of the parties.

18.6.1993

Before / Devant: CORY J.

Motion for a stay of execution

Kenneth Bartle

v. (23623)

Her Majesty The Queen (Ont.)

GRANTED / ACCORDÉE

Requête en vue de surseoir à l'exécution

Don Bayne, for the motion.

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

18.6.1993

Before / Devant: McLACHLIN J.

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

United Steelworkers of America

v. (23621)

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

GRANTED / ACCORDÉE

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

David Roberts, for the motion.

Robert Barnes, for the respondents Phillips et al.

Steve Grace, for the A.G. of N.S.

21.6.1993

Before/ Devant: LA FOREST J.

Motion to state a constitutional question

Requête pour énoncer une question constitutionnelle

Canadian Broadcasting Corp.

Colin Baxter, for the motion.

v. (23403)

Lucien Dagenais et al. (Ont.)

Richard Stern, contra.

RESERVED / EN DÉLIBÉRÉ

21.6.1993

Before/ Devant: CORY J.

**Motion to expunge the affidavit and to extend the time
in which to file the respondent's response**

**Requête en suppression d'un affidavit et requête en
prorogation du délai de production de la réponse de
l'intimée**

Winnipeg Condominium Corp. No. 36

Sydney Green, Q.C., for the motion.

v. (23624)

Bird Construction Co. Ltd. (Man.)

Randell Hofley, contra.

The affidavit filed in this matter is unsatisfactory. It is true that affidavit material may be filed to demonstrate the public importance of a matter and on occasion to advise as to what may have transpired during court hearings that is not apparent from the court records themselves. Rather than attempt to rectify this affidavit it would be preferable to expunge it without prejudice to the right of the applicant to file a fresh affidavit if so advised.

An Order will go in those terms. The costs are reserved to the members of the court considering the leave application. Time to reply will commence from either the filing of the fresh affidavit or the notice that such an affidavit is not to be filed.

22.6.1993

Before / Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to serve and file a response

Requête en prorogation du délai de signification et de production de la réponse

Gary Rogers

With the consent of the parties.

v. (23614)

Her Majesty The Queen (Ont.)

GRANTED / ACCORDÉE Time extended to June 21, 1993.

22.6.1993

Before / Devant: THE DEPUTY REGISTRAR

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

Requête en prorogation du délai de production du mémoire des appelants

Robert Rowbotham and David Rablin

With the consent of the parties.

v. (23300 - 02)

Her Majesty The Queen (Ont.)

GRANTED / ACCORDÉE

23.6.1993

Before / Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to serve and file a respondent's factum and motion to file a factum in its present form

Requête en prorogation du délai de signification et de production du mémoire de l'intimé et requête en production d'un mémoire dans sa forme actuelle

Her Majesty the Queen

With the consent of the parties.

v. (23289)

Ronald William Mills (Man.)

GRANTED / ACCORDÉE Time extended to June 14, 1993.

23.6.1993

Before / Devant: McLACHLIN J.

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

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

Jack Malcolm Phillips

With the consent of the parties.

v. (23637)

Her Majesty the Queen (Alta.)

GRANTED / ACCORDÉE Time extended to June 17, 1993 *nunc pro tunc*

24.6.1993

Before / Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to serve and file a case on appeal

Requête en prorogation du délai de signification et de production du dossier

Herbert Raymond Webster

With the consent of the parties.

v. (23085)

B.C. Hydro and Power Authority (B.C.)

GRANTED / ACCORDÉE Time extended to June 30, 1993.

24.6.1993

Before / Devant: THE DEPUTY 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'appellant

Arturo Nuosci

With the consent of the parties.

v. (23232)

Her Majesty the Queen (Ont.)

GRANTED / ACCORDÉE Time extended to June 3, 1993.

25.6.1993

Before/ Devant: CORY J.

Motion for a stay of execution

Requête en vue de surseoir à l'exécution

Walter Pozniak

Lawrence Greenspon, for the motion.

v. (23642)

Her Majesty the Queen (Ont.)

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

GRANTED / ACCORDÉE The following was ordered:

It is ordered that this Motion be allowed and the stay of the Applicant's driving prohibition pending the determination of the Applicant's leave to appeal application to this Honourable Court and if leave is granted, pending the determination of the Applicant's appeal is granted on the following conditions:

1. The memorandum of the Applicant on the leave to appeal application is to be filed and served by July 31st, 1993;
2. Time is to run during the summer months so that the time for filing and serving the memorandum of the Crown Respondent will run from July 31st, 1993;
3. The Application is to be perfected as expeditiously as possible.

25.6.1993

Devant/ Before: LE JUGE McLACHLIN

Requête en prorogation du délai de production de la demande d'autorisation

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

Louise Goyet

Avec le consentement des parties.

c. (23629)

Gilles Beaulieu (Qué.)

ACCORDÉE / GRANTED Délai prorogé au 3 août 1993.

25.6.1993

Before / Devant: McLACHLIN J.

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

Requêtes en prorogation du délai de production et de signification de la demande d'autorisation

Patricia Joyce Gresham

With the consent of the parties.

v. (22888)

Ernst & Young Inc., et al (Sask.)

and between

Patricia Joyce Gresham

v. (23620)

Ernst & Young Inc., et al (B.C.)

DISMISSED / REJETÉES

28.6.1993

Before / Devant: McLACHLIN J.

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

Requête en prorogation du délai de signification et de production de la réplique du requérant

Raymond Desfossés

With the consent of the parties.

v. (23526)

Warden of Parthenais Prevention Center (Qué.)

GRANTED / ACCORDÉE Time extended to June 29, 1993.

29.6.1993

Before / Devant: LEJUGE McLACHLIN

Requête pour produire d'autres éléments de preuve

Le Comité paritaire de l'industrie de la chemise, et al
c. (23083)

Jonathan Potash, et al (Qué.)

ACCORDÉE / GRANTED

Motion to adduce further evidence

Avec le consentement des parties.

28.6.1993

Before / Devant: McLACHLIN J.

Motion for a stay of execution

Cidalia Miguel
v. (23644)

Catholic Children's Aid Society of Metropolitan
Toronto (Ont.)

Requête en vue de surseoir à l'exécution

Jennifer MacKinnon, for the motion.
Marion Bernstein

Allan MacLure, contra.

Elaine Freedman, for the Official Guardian.

THE FOLLOWING WAS ORDERED:

1. The motion for a stay is adjourned pending the decision on application for leave to appeal.
 2. The Applicant shall serve and file her application for leave to appeal on or before July 5, 1993. If the application for leave to appeal is not served and filed by July 5, 1993, the motion for a stay will be deemed abandoned.
 3. The Respondents shall serve and file their responses by July 19, 1993.
 4. The application for leave to appeal will be submitted to a panel of the Court on an expedited basis.
-

29.6.1993

Before / Devant: McLACHLIN J.

Motion to adduce further evidence

Raymond Desfossés

v. (23526)

Warden of Parthenais Prevention Center (Qué.)

GRANTED / ACCORDÉE For the purpose of the leave only.

Requête pour produire d'autres éléments de preuve

Maurice Ganning, Q.C.

Jack Weissman, for the motion.

Richard Stark

Robert Frater, contra.

30.6.1993

Before / Devant: McLACHLIN J.

Motion for a stay of execution

Crestbrook Forest Industries Ltd.

v. (23627)

Her Majesty the Queen (F.C.A.) (B.C.)

GRANTED / ACCORDÉE

Requête en vue de surseoir à l'exécution

With the consent of the parties.

30.6.1993

Before / Devant: McLACHLIN J.

Motion for leave to intervene

Requête en autorisation d'intervention

BY/PAR: Alberta Securities Commission

IN/DANS: The Superintendent of Brokers

v. (23107)

Murray Pezim, et al (B.C.)

- and between -

The British Columbia Securities
Commission, et al

v. (23113)

Murray Pezim, et al (B.C.)

GRANTED / ACCORDÉE Oral argument limited to 15 minutes.

30.6.1993

Before / Devant: McLACHLIN J.

Motion to extend the time in which to serve and file an application for leave; motion to substitute parties; motion to dismiss the appeal for want of prosecution

Requête en prorogation du délai de signification et de production de la demande d'autorisation; requête en substitution de parties; requête en rejet de l'appel pour défaut d'agir

Edward Davis

Tom Brady, for the motion.

v. (23577)

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

Saltspring Island Water Preservation Society, et al
(B.C.)

THE FOLLOWING WAS ORDERED:

1. The motion for an order dismissing the application for leave to appeal is dismissed.
2. The motion for an extension of time is granted *nunc pro tunc*.
3. The motion for substitution of parties is granted. MICHAEL SPENCER and DANI SINGER are hereby substituted as Applicants in the place of EDWARD DAVIS.
4. The Applicant shall pay the disbursements incurred by the Respondent Society for a supplemental mailing to interested persons.

5. Costs in any event of the cause to the Saltspring Water Preservation Society.

28.6.1993

Before / Devant: McLACHLIN J.

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

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

R. Wayne Turner, et al

With the consent of the parties.

v. (23651)

Martin Tomlinson, et al (P.E.I.)

GRANTED / ACCORDÉE Time extended to July 12, 1993.

5.7.1993

Before / Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to serve and file a case on appeal; motion to dispense with printing exhibits

Requête en prorogation du délai de signification et de production d'un mémoire; requête en dispense d'impression de pièces

Roberto Ambrosio San Vicente Freitas

With the consent of the parties.

v. (23396)

Her Majesty the Queen (N.B.)

GRANTED / ACCORDÉE Time extended to July 20, 1993

5.7.1993

Before / Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to serve and file the applicant's reply**Requête en prorogation du délai de signification et de production de la réplique du requérant**

Cream Silver Mines Ltd.

With the consent of the parties.

v. (23527)

Her Majesty the Queen in right of the province of British Columbia (B.C.)

GRANTED / ACCORDÉE Time extended to June 29, 1993 *nunc pro tunc*

5.7.1993

Before / Devant: THE DEPUTY 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'intimé**

Impérial Oil Limited, et al

With the consent of the parties.

v. (23409)

The Lubrizol Corporation, et al (F.C.A.) (Ont.)

GRANTED / ACCORDÉE Time extended to July 30, 1993.

6.7.1993

Before / Devant: THE DEPUTY REGISTRAR

Motion to file an application for leave in its present form**Requête en production d'une demande d'autorisation dans sa forme actuelle**

The Travelers Indemnity Company of Canada

With the consent of the parties.

v. (23635)

The Michigan Catastrophic Claims Association (Ont.)

GRANTED / ACCORDÉE

6.7.1993

Before/ Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to serve and file a factum

Requête en prorogation du délai de signification et de production d'un mémoire

The Corporation of the City of Peterborough

With the consent of the parties.

v. (22787)

Kenneth Ramsden (Ont.)

GRANTED / ACCORDÉE Time extended to May 21, 1993

6.7.1993

Before/ Devant: THE DEPUTY REGISTRAR

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

Requête en prorogation du délai de signification et de production par l'intimé d'un mémoire

Alberta Raymond Roy Brown

With the consent of the parties.

v. (23103)

Her Majesty the Queen (Alta.)

GRANTED / ACCORDÉE Time extended to May 28, 1993

8.7.1993

Before/ Devant: L'HEUREUX-DUBÉ J.

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

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

Audrey Hill

With the consent of the parties.

v. (23650)

The Register South Alberta Land Registration District (Alta.)

GRANTED / ACCORDÉE Time extended to September 3, 1993.

8.7.1993

Before/ Devant: L'HEUREUX-DUBÉ J.

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

Shane D.

v. (23658)

Her Majesty the Queen (Ont.)

GRANTED / ACCORDÉE Time extended to July 2, 1993.

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

With the consent of the parties.

7.7.1993

Before / Devant: THE DEPUTY REGISTRAR

Motion to extend the time in which to serve and file a respondent's response and motion to file a respondent's response in its present form

Joseph Apsassin, et al

v. (23516)

Her Majesty the Queen in right of Canada, et al (F.C.A.) (B.C.)

GRANTED / ACCORDÉE Time extended to June 28, 1993.

Requête en prorogation du délai de signification et de production de la réponse de l'intimé et requête en production de la réponse de l'intimé dans sa forme actuelle

With the consent of the parties.

9.7.1993

Before / Devant: L'HEUREUX-DUBÉ J.

Motion to abridge the delay in filing a motion for a stay and application for a stay of judgment

Nasser Hirbod

v. (23565)

Her Majesty the Queen (Qué.)

The motion to abridge is allowed; the application is dismissed.

Requête pour abréger le délai de production d'une requête en vue de surseoir et demande en vue de surseoir au jugement

Andrew Barbacki, for the motion.

Sylvie Roussel, contra.

12.7.1993

Before / Devant: IACOBUCCIJ.

Motion for a stay of execution

Claudius A. Carnegie, et al

v. (23662)

National Trust in trust for O/R Joseph P. Doyle, et al
(Ont.)**Requête en vue de surseoir à l'exécution**

Claudius A. Carnegie, in person.

Colleen Burn, contra.

THE FOLLOWING WAS ORDERED:

As I am not satisfied that the applicants have shown they meet the requirements for the issuance of a stay, particularly with respect to demonstrating that a serious issue is raised which warrants the attention of this Court, the application for a stay is dismissed with costs.

 23.6.1993

Before / Devant: McLACHLIN J.

Miscellaneous motions

Her Majesty the Queen

v. (23632)

K.A.R. (N.S.)

Autres requêtes

With the consent of the parties.

THE FOLLOWING WAS ORDERED:

1. The motion for an order prohibiting publication or disclosure of the Court file is granted. No person shall publish or disclose the contents of the Court file in this proceeding in any way except by leave of a judge of the Court;
 2. The motion for an order that the application for leave to appeal be held *in camera* and that the Court file be sealed is dismissed. The Applicant is given leave to bring this application again if necessary.
-

28.7.1993

Before / Devant: McLACHLIN J.

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

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

Her Majesty the Queen

v. (23632)

K.A.R. (N.S.)

GRANTED / ACCORDÉE Time extended to June 25, 1993.

13.7.1993

Before / Devant: THE REGISTRAR

Motions to extend the time in which to serve and file a case on appeal and an appellant's factum

Requêtes en prorogation du délai de signification et de production du dossier et par l'appelante d'un mémoire

George Henry Howard

v. (22999)

Her Majesty the Queen (Ont.)

GRANTED / ACCORDÉE Time extended to June 4, 1993 *nunc pro tunc* (case on appeal) and time extended to June 15, 1993 *nunc pro tunc* (appellant's factum).

13.7.1993

Before / Devant: THE REGISTRAR

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

Requête en prorogation du délai de signification et de production de la réponse d'un intimé

Bank of Montreal

v. (23371)

Carl Kenneth Bale (Ont.)

GRANTED / ACCORDÉE Time extended to April 20, 1993.

13.7.1993

Before / Devant: IACOBUCCIJ.

Motion to extend the time for leave to intervene

Requête en prorogation du délai pour la demande d'autorisation d'intervention

BY/PAR Superintendent of Bankruptcy

IN/DANS Peat Marwick Thorne Inc., et al

v. (23273)

Director of Maintenance Enforcement, et al (Alta.)

GRANTED / ACCORDÉE Oral argument is limited to 15 minutes.

13.7.1993

Before / Devant: THE REGISTRAR

Motion to file a case on appeal in its present form

Requête en production du dossier d'appel dans sa forme actuelle

Her Majesty the Queen

With the consent of the parties.

v. (23253)

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

GRANTED / ACCORDÉE

13.7.1993

Before / Devant: THE REGISTRAR

Motion to extend the time in which to serve and file a response

Requête en prorogation du délai de signification et de production de la réponse

Stephen James King

With the consent of the parties.

v. (23601)

Her Majesty the Queen (Ont.)

GRANTED / ACCORDÉE Time extended to July 8, 1993

**NOTICES OF APPEAL FILED SINCE
LAST ISSUE**

28.5.1993

Mohammed Shameer

v. (23640)

Her Majesty The Queen (Ont.)

AS OF RIGHT

28.5.1993

Ameer Shakur

v. (23639)

Her Majesty The Queen (Ont.)

AS OF RIGHT

9.6.1993

Cyril Patrick Prosper

v. (23178)

Her Majesty The Queen (N.S.)

16.6.1993

Mary Tataryn

v. (23398)

**Edward James Tataryn, Executor named in the Will of
Alex Tatary, a.k.a. Alex Tataryn and Alexander
Tataryn, deceased (B.C.)**

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

17.6.1993

Canadian Broadcasting Corp. et al.

v. (23403)

Lucien Dagenais et al. (Ont.)

18.6.1993

Her Majesty The Queen

v. (23385)

Melvin Lorne Mason (N.S.)

22.6.1993

Her Majesty the Queen

v. (23312)

Ross Nelson Matheson (P.E.I.)

23.6.1993

Emmanuel Y. Osei-Twum

v. (23419)

Francis Williams et al. (Ont.)

23.6.1993

Rejean Gagnon

v. (23445)

Tina Lucas et al. (Ont.)

24.6.1993

Quoc Dung Tran

v. (23321)

Her Majesty The Queen (N.S.)

25.6.1993

Her Majesty The Queen

v. (23384)

Robert Lorne Heywood (B.C.)

25.6.1993

Her Majesty The Queen in right of Canada et al.

v. (23361)

Reza (Ont.)

12.7.1993

Helen Marie Kent

v. (23664)

Her Majesty the Queen (N.S.)

AS OF RIGHT

**NOTICES OF INTERVENTION
FILED SINCE LAST ISSUE**

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

BY/PAR: Procureur général du Québec
Attorney General of Ontario
Attorney General of Alberta

IN/DANS: **International Longshoremen's and Warehousemen's Union - Canada Area Locals 500, 502, 503, 504, 505, 506, 508, 515 and 519; Every person ordinarily employed in Longshoring or related operation at a port on the West Coast of Canada and who is subject to the provisions of the *Maintenance of Ports Operations Act, 1986***

v. (23306)

Her Majesty The Queen (F.C.A.)

BY/PAR: Attorney General of Ontario
Attorney General of British Columbia
Procureur général du Québec

IN/DANS: **Sharon-Leigh Murphy (also known as Sharon Murphy) and Jamie Murphy, by his Litigation Guardian, Sharon-Leigh Murphy**

v. (22542)

Frederick Welsh (also known as Fred Welsh) (Ont.)

BY/PAR: Procureur général du Québec
Attorney General of Canada
Attorney General of Ontario

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

v. (23049)

Shane Leslie Price a.k.a. Brown (Alta.)

BY/PAR: Attorney General of Newfoundland
Attorney General of Canada
Attorney General of British Columbia
Procureur général du Québec
Attorney General of Manitoba

IN/DANS: **Richard B. and Beena B.**

v. (23298)

Children's Aid Society of Metropolitan Toronto et al. (Ont.)

BY/PAR: Attorney General for Manitoba
Attorney General of Canada
Attorney General of Nova Scotia

IN/DANS: **The Tseshart, an Indian Band; Robert Thomas suing on his own behalf and on behalf of all of the members of the Tsashaht**

v. (23234)

Her Majesty the Queen in Right of the Province of British Columbia (B.C.)

BY/PAR: Alberta Securities Commission

IN/DANS: **The Superintendent of Brokers**

v. (23107)

Murray Pezim, et al (B.C.)

BY/PAR: Alberta Securities Commission

IN/DANS: **British Columbia Securities Commission**

v. (23113)

Murray Pezim, et al (B.C.)

**NOTICES OF DISCONTINUANCE
FILED SINCE LAST ISSUE**

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

25.5.1993

Brent Blair Brown

v. (23479)

Her Majesty the Queen (Man.)

(appeal)

**PRONOUNCEMENTS OF APPEALS
RESERVED**

**JUGEMENTS RENDUS SUR LES
APPELS EN DÉLIBÉRÉ**

Reasons for judgment are available

Les motifs de jugement sont disponibles

JUNE 30, 1993 / LE 30 JUIN 1993

21937 PATRICK FRANCIS WARD v. ATTORNEY GENERAL OF CANADA - and - UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, IMMIGRATION AND REFUGEE BOARD, CANADIAN COUNCIL FOR REFUGEES (F.C.A.) (Ont.)

CORAM: La Forest, L'Heureux-Dubé, Gonthier, Stevenson* and Iacobucci JJ.

The appeal is allowed, the order of the Federal Court of Canada is set aside and the case is remitted back to the Immigration and Refugee Board for an evaluation consistent with these reasons of the appellant's claim with reference to his second state of citizenship, Great Britain.

Le pourvoi est accueilli, l'ordonnance de la Cour d'appel fédérale est annulée et l'affaire est renvoyée à la Commission de l'immigration et du statut de réfugié pour qu'elle effectue une évaluation, conforme aux présents motifs, de la revendication de l'appelant, en ce qui concerne le second État dont il a la citoyenneté, à savoir la Grande-Bretagne.

22717 ROLAND LAPOINTE c. DOMTAR INC. et COMMISSION D'APPEL EN MATIÈRE DE LÉSIONS PROFESSIONNELLES et COMMISSION DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL (Qué.)

CORAM: Le Juge en chef et les juges La Forest, L'Heureux-Dubé, Gonthier, Cory, McLachlin et Iacobucci

Le pourvoi est accueilli et la requête en évocation est rejetée, le tout avec dépens dans toutes les cours.

The appeal is allowed and the motion in evocation is dismissed, the whole with costs throughout.

22875 GARY FLIEGER AND TERRY McNUTT and THE PROVINCE OF NEW BRUNSWICK (N.B.)

CORAM: The Chief Justice and La Forest, L'Heureux-Dubé, Sopinka, Cory, McLachlin and Iacobucci JJ.

The appeal is dismissed, L'Heureux-Dubé J. dissenting.

L'appel est rejeté. Le juge L'Heureux-Dubé est dissidente.

* Stevenson J. took no part in the judgment.

Le juge Stevenson n'a pas pris part au jugement.

22747 DOUGLAS JOHN MACOOH v. HER MAJESTY THE QUEEN (CRIM.) (ALTA.)

Judgment rendered orally February 26, 1993, reasons delivered.

Jugement rendu oralement le 26 février 1993, motifs déposés.

JULY 15, 1993 / LE 15 JUILLET 1993

22749 CIMENT QUÉBEC INC. c. CORPORATION MUNICIPALE DE SAINT-BASILE, Village sud (Qué.)

CORAM: Les juges La Forest, L'Heureux-Dubé, Gonthier, McLachlin et Iacobucci

Le pourvoi est accueilli et le jugement de la Cour d'appel est infirmé. La décision rendue par le Bureau de révision de l'évaluation foncière du Québec, le 29 août 1985, est rétablie, le tout avec dépens dans toutes les cours.

The appeal is allowed and the judgment of the Court of Appeal is set aside. The decision rendered by the Quebec Bureau de révision de l'évaluation foncière on August 29, 1985 should be restored, the whole with costs throughout.

22944 K.B.V. - v. - HER MAJESTY THE QUEEN (Crim.) (Ont.)

CORAM: The Chief Justice and La Forest, L'Heureux-Dubé, Sopinka, Cory, McLachlin and Iacobucci II.

The appeal is dismissed, Sopinka J. dissenting.

L'appel est rejeté. Le juge Sopinka est dissident.

Ciment Québec Inc. c. Corporation municipale de Saint-Basile, Village Sud (Qué.) (22749)

Jugement rendu le 15 juillet 1993 / Judgment rendered July 15, 1993

Répertorié: Saint-Basile, Village Sud (Corporation municipale de) c. Ciment Québec Inc. Indexed as: Saint-Basile, Village Sud (Corporation municipale de) v. Ciment Québec Inc.

Présents: Les juges La Forest, L'Heureux-Dubé, Gonthier, McLachlin et Iacobucci.

Droit municipal – Évaluation foncière – Immeubles non portés au rôle d'évaluation – Interprétation de l'art. 65, par. 1° de la Loi sur la fiscalité municipale, L.R.Q., ch. F-2.1.

L'appelante est propriétaire d'un vaste complexe industriel où elle fabrique du ciment. Elle conteste devant le Bureau de révision de l'évaluation foncière («BREF») la valeur de l'unité d'évaluation de sa nouvelle usine et l'inscription de plusieurs immeubles faisant partie de cette usine au rôle d'évaluation pour les années 1981, 1982 et 1984. L'appelante soutient que la plupart de ces immeubles doivent être exclus du rôle parce qu'ils servent principalement à des fins de production industrielle. Le BREF accueille partiellement les plaintes de l'appelante et, en vertu de l'art. 65, par. 1° de la *Loi sur la fiscalité municipale*, écarte du rôle certains immeubles faisant partie de l'usine. Le BREF est d'avis que l'exemption prévue au par. 1° de l'art. 65 s'applique non seulement aux biens mobiliers placés à perpétuelle demeure, mais aussi aux immeubles par nature qui sont des machines, des appareils et leurs accessoires utilisés principalement à des fins de production industrielle et qui n'ont pas pour objet d'assurer un service à un terrain ou à un bâtiment. La Cour provinciale infirme cette décision et conclut que l'exemption ne s'applique qu'aux seuls biens mobiliers placés à perpétuelle demeure, à l'exclusion des bâtiments au sens du *Code civil*. La cour souligne que si le législateur avait voulu donner au mot "bâtiment" du par. 1° de l'art. 65 un sens différent de celui du Code, il l'aurait fait expressément. La Cour d'appel confirme le jugement de la Cour provinciale.

Arrêt: Le pourvoi est accueilli.

L'exemption prévue au par. 1° de l'art. 65 n'exclut pas de son champ d'application tous les bâtiments au sens du *Code civil*. Le texte de ce paragraphe, interprété et analysé dans le contexte d'énonciation qui lui est propre, commande avant tout d'examiner chaque immeuble ou partie d'immeuble composant une usine donnée dans le cadre concret de la production industrielle, et ce, sans égard à la nature de leur immobilisation. C'est le critère de la production industrielle qui constitue la pierre angulaire du par. 1° de l'art. 65 et non les catégories traditionnelles d'immobilisation du *Code civil*. Vu la définition du mot "immeuble" à l'art. 1 L.F.M., il est clair que l'alinéa introductif de l'art. 65 («Ne sont pas portés au rôle les immeubles suivants») ne fait pas de distinction entre les immeubles par nature et les objets mobiliers placés à perpétuelle demeure. De plus, les concepts de destination et d'utilisation qui ont été greffés aux termes «terrain» et «bâtiment» sont étrangers aux critères de l'immobilisation par nature en droit civil. Le sens des termes "terrain" et "bâtiment" doit donc être analysé en fonction du cadre législatif adopté par le législateur, lequel nuance et tempère les concepts du Code et se démarque des catégories traditionnelles du droit civil. Enfin, les termes «machine», «appareil» et «accessoires», qui ne font pas partie du vocabulaire propre au Code, peuvent englober dans le contexte du par. 1° de l'art. 65 toute une panoplie d'immeubles qui sont susceptibles d'être utilisés principalement à des fins de production industrielle.

En l'espèce, la démarche suivie par le BREF est conforme à la lettre et à l'esprit du par. 1° de l'art. 65. Premièrement, il a appliqué les termes «machine», «appareil» et «accessoires» dans le cadre complexe des éléments d'une production industrielle, et ce, sans égard au débat portant sur la nature de leur immobilisation au sens du *Code civil*, ce qui traduit la lettre de l'alinéa introductif. Deuxièmement, il a tenu compte du fait qu'un immeuble ou une partie d'immeuble peut être indissociable d'une machine où d'un appareil et assurer, par la même occasion, un service à un terrain ou à un bâtiment. Les termes «utilisés principalement à des fins de production industrielle» et «compte tenu de l'utilisation qui est faite de celui-ci» commandent une telle lecture. La démarche du BREF découle du constat suivant: le par. 1° de l'art. 65 ne permet pas de conclure que tous les bâtiments ne peuvent jamais être exclus du rôle sous prétexte que certains bâtiments peuvent être desservis par des machines, des appareils ou leurs accessoires.

La Cour ne se prononce pas sur l'exactitude des conclusions factuelles du BREF.

POURVOI contre un arrêt de la Cour d'appel du Québec, [1991] R.J.Q. 2757, 41 Q.A.C. 128, qui a confirmé un jugement de la Cour provinciale, J.E. 88-149, qui avait infirmé une décision du Bureau de révision de l'évaluation foncière du Québec, [1985] B.R.E.F. 471. Pourvoi accueilli.

Benoît Mailloux et Martin R. Gagné, pour l'appelante.

Paul Bégin et Suzanne Ouellet, pour l'intimée.

Procureurs de l'appelante: Gagné, Letarte, Sirois, Beaudet, Québec.

Procureurs de l'intimée: Pothier Bégin, Sainte-Foy.

Present: La Forest, L'Heureux-Dubé, Gonthier, McLachlin and Iacobucci JJ.

Municipal law – Real estate assessment – Immoveables not entered on assessment roll – Interpretation of s. 65(1) of the Act respecting Municipal Taxation, R.S.Q., c. F-2.1.

The appellant is the owner of a large industrial complex where it manufactures cement. It filed a complaint with the Bureau de révision de l'évaluation foncière ("BREF") challenging the value of the unit of assessment of its new plant and the entry of several buildings that were part of that plant on the assessment roll for 1981, 1982 and 1984. The appellant contends that most of these buildings should be excluded from the roll because they are used mainly for purposes of industrial production. The BREF allowed the appellant's complaints in part and, under s. 65(1) of the *Act respecting Municipal Taxation*, struck from the roll certain buildings that were part of the plant. The BREF was of the view that the exemption provided for in s. 65(1) applied not only to moveable property placed for a permanency, but also to immoveables by nature that are machines, apparatus and their accessories used mainly for purposes of industrial production and not designed to provide a service to land or a building. The Provincial Court reversed that decision and concluded that the exemption applied only to moveable property placed for a permanency, excluding buildings within the meaning of the *Civil Code*. The court noted that if the legislature had intended to give the word "building" in s. 65(1) a different meaning from that in the Code, it would have done so expressly. The Court of Appeal upheld the Provincial Court's decision.

Held: The appeal should be allowed.

The exemption provided for in s. 65(1) does not exclude from its scope all buildings within the meaning of the *Civil Code*. The wording of this subsection, interpreted and analyzed in its own particular context, requires first and foremost that the Court examine each immoveable or part of an immoveable making up a given plant in the concrete setting of the industrial production, regardless of the nature of their status as immoveables. It is the requirement of industrial production which is the cornerstone of s. 65(1), and not the traditional *Civil Code* categories of immoveables. Given the definition of the word "immoveable" in s. 1 A.M.T., it is clear that the introductory paragraph of s. 65 ("The following immoveables are not to be entered on the roll") does not distinguish between immoveables by nature and moveable objects placed for a permanency. Further, the concepts of destination and use which have been attached to the terms "land" and "building" are foreign to the criteria for immoveables by nature in the civil law. The meaning of the terms "land" and "building" should therefore be analyzed on the basis of the legislative framework adopted by the legislature, which clarifies and qualifies the concepts in the Code and is dissociated from the traditional civil law categories. Finally, the terms "machines", "apparatus" and "accessories", which are not part of the special vocabulary of the Code, may encompass in the context of s. 65(1) a whole range of immoveables which can be used mainly for purposes of industrial production.

Here, the approach taken by the BREF is in keeping with the letter and spirit of s. 65(1). First, it applied the terms "machines", "apparatus" and "accessories" in the complex setting of the components of an industrial production process, regardless of the dispute as to the nature of their status as immovables within the meaning of the *Civil Code*, which is consistent with the wording of the introductory paragraph. Secondly, it took into account the fact that an immovable or part thereof can be inseparable from a machine or apparatus and at the same time provide a service to land or a building. The words "used mainly for purposes of industrial production" and "taking into account the . . . use of the land or building" require such a construction. The BREF's approach derives from the following observation: s. 65(1) does not suggest that all buildings can never be excluded from the roll on the ground that some buildings may be served by machines, apparatus or their accessories.

The Court does not express any opinion on the correctness of the findings of fact of the BREF.

APPEAL from a judgment of the Quebec Court of Appeal, [1991] R.J.Q. 2757, 41 Q.A.C. 128, affirming a judgment of the Provincial Court, J.E. 88-149, reversing a decision of the Quebec Bureau de révision de l'évaluation foncière, [1985] B.R.E.F. 471. Appeal allowed.

Benoît Mailloux and Martin R. Gagné, for the appellant.

Paul Bégin and Suzanne Ouellet, for the respondent.

Solicitors for the appellant: Gagné, Letarte, Sirois, Beaudet, Québec.

Solicitors for the respondent: Pothier Bégin, Sainte-Foy.

Present: Lamer C.J. and La Forest, L'Heureux-Dubé, Sopinka, Cory, McLachlin and Iacobucci JJ.

Criminal law – Sexual assault – Accused grabbing three-year-old son in genital area to discipline him – Absence of evidence of sexual gratification – Accused convicted of sexual assault – Whether assault was a sexual assault.

The accused was charged with sexually assaulting his three-year-old son. In a statement to the police, he explained that he grabbed his son's genitals in order to deter him from grabbing the genital region of adults and to show him how much it hurts. The accused was convicted. The trial judge concluded that the absence of evidence of sexual gratification on the part of the accused was irrelevant in this case, given the other indicia which lead to the conclusion that the assault was in fact a sexual assault. The majority of the Court of Appeal upheld the accused's conviction.

Held (Sopinka J. dissenting): The appeal should be dismissed.

Per Lamer C.J. and La Forest, L'Heureux-Dubé, Cory, McLachlin and Iacobucci JJ.: It was clearly open to the trial judge in this case to conclude, from all the circumstances, that the assault was one of a sexual nature. The assault was such that the sexual integrity of the child was violated.

Per Sopinka J. (dissenting): The lack of an intention of sexual gratification on the part of the accused was relevant in this case and changes the whole complexion of the accused's activity. In every aspect of the test for sexual assault, except the part of the body attacked, the assault was non-sexual in nature. The proper disposition is to dismiss the appeal and substitute a conviction for common assault.

APPEAL from a judgment of the Ontario Court of Appeal (1992), 8 O.R. (3d) 20, 71 C.C.C. (3d) 65, 13 C.R. (4th) 87, dismissing the accused's appeal from his conviction on a charge of sexual assault. Appeal dismissed, Sopinka J. dissenting.

Philip Campbell, for the appellant.

Susan L. Reid, for the respondent.

Solicitors for the appellant: Copeland, Liss, Campbell, Toronto.

Solicitor for the respondent: The Ministry of the Attorney General, Toronto.

Présents: Le juge en chef Lamer et les juges La Forest, L'Heureux-Dubé, Sopinka, Cory, McLachlin et Iacobucci.

Droit criminel – Agression sexuelle – L'accusé a empoigné les parties génitales de son fils de trois ans afin de le punir – Absence de preuve de plaisir sexuel – Accusé reconnu coupable d'agression sexuelle – L'agression était-elle une agression sexuelle?

L'accusé a été inculpé d'agression sexuelle contre son fils de trois ans. Dans une déclaration à la police, il a expliqué avoir empoigné les parties génitales de son fils afin de le dissuader de saisir les parties génitales d'adultes et de lui montrer à quel point cela est douloureux. L'accusé a été déclaré coupable. Le juge du procès a conclu que l'absence de preuve de plaisir sexuel chez l'accusé n'était pas pertinente en l'espèce, en raison des autres indices qui amenaient à conclure que l'agression était effectivement une agression sexuelle. La Cour d'appel à la majorité a confirmé la déclaration de culpabilité de l'accusé.

Arrêt (le juge Sopinka est dissident): Le pourvoi est rejeté.

Le juge en chef Lamer et les juges La Forest, L'Heureux-Dubé, Cory, McLachlin et Iacobucci: En l'espèce, il était clairement loisible au juge du procès de conclure, d'après toutes les circonstances, que l'agression était de nature sexuelle. Cette agression était telle qu'il y a eu atteinte à l'intégrité sexuelle de l'enfant.

Le juge Sopinka (dissident): L'absence d'intention de tirer un plaisir sexuel chez l'accusé est pertinente en l'espèce et modifie complètement le caractère de l'acte de l'accusé. Selon tous les aspects du critère applicable en matière d'agression sexuelle, sauf en ce qui concerne la partie du corps qui a fait l'objet de l'agression, celle-ci n'était pas de nature sexuelle. Il convient de rejeter le pourvoi et de substituer une déclaration de culpabilité de voies de fait simples.

POURVOI contre un arrêt de la Cour d'appel de l'Ontario (1992), 8 O.R. (3d) 20, 71 C.C.C. (3d) 65, 13 C.R. (4th) 87, qui a rejeté l'appel interjeté par l'accusé contre sa déclaration de culpabilité prononcée relativement à une accusation d'agression sexuelle. Pourvoi rejeté, le juge Sopinka est dissident.

Philip Campbell, pour l'appelant.

Susan L. Reid, pour l'intimée.

Procureurs de l'appelant: *Copeland, Liss, Campbell, Toronto.*

Procureur de l'intimée: *Le ministère du Procureur général, Toronto.*

**DEADLINES: MOTIONS
BEFORE THE COURT:**

**DÉLAIS: REQUÊTES
DEVANT LA COUR:**

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

Motion day : **October 4, 1993**
Service : September 13, 1993
Filing : September 20, 1993
Respondent : September 27, 1993

Motion day : **November 1, 1993**
Service : October 11, 1993
Filing : October 18, 1993
Respondent : October 25, 1993

Motion day : **December 6, 1993**
Service : November 15, 1993
Filing : November 22, 1993
Respondent : November 29, 1993

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.

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 : **4 octobre 1993**
Signification: 13 septembre 1993
Dépot : 20 septembre 1993
Intimé : 27 septembre 1993

Audience du : **1 novembre 1993**
Signification: 11 octobre 1993
Dépot : 18 octobre 1993
Intimé : 25 octobre 1993

Audience du : **6 décembre 1993**
Signification: 15 novembre 1993
Dépot : 22 novembre 1993
Intimé : 29 novembre 1993

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

The next session of the Supreme Court of Canada commences on October 4, 1993.

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

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

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

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

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

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

The Registrar shall enter on a list all appeals inscribed for hearing at the October 1993 Session on August 4, 1993.

DÉLAIS: APPELS

La prochaine session de la Cour suprême du Canada débute le 4 octobre 1993.

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

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

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

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

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

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

Le 4 août 1993, le registraire met au rôle de la session d'octobre 1993 tous les appels inscrits pour audition.

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

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

Judgments reported in [1993] 1 S.C.R., Part 5

R. v. B.(F.F.), [1993] 1 S.C.R. 697

R. v. B. (K.G.), [1993] 1 S.C.R. 740

R. v. Thomas, [1993] 1 S.C.R. 835

R. v. P. (V.L.), [1993] 1 S.C.R. 837

Reference re *Public Schools Act* (Man.), s. 79(3), (4)
and (7), [1993] 1 S.C.R. 839

Judgments reported in [1993] 1 S.C.R., Part 6

Amchem Products Incorporated v. British Columbia
(Workers' Compensation Board), [1993] 1 S.C.R. 897

Canada (Attorney General) v. Public Service Alliance
of Canada, [1993] 1 S.C.R. 941

R. v. Douglas; R. v. Myers, [1993] 1 S.C.R. 893

R. v. Hundal, [1993] 1 S.C.R. 867

Peter v. Beblow, [1993] 1 S.C.R. 980

Sie-Mac Pipeline Contractors Ltd. v. M.N.R., [1993] 1
S.C.R. 895

Westar Mining Ltd. (Re), [1993] 1 S.C.R. 890

Jugements publiés dans [1993] 1 R.C.S., partie 5

R. c. B.(F.F.), [1993] 1 R.C.S. 697

R. c. B. (K.G.), [1993] 1 R.C.S. 740

R. c. Thomas, [1993] 1 R.C.S. 835

R. c. P. (V.L.), [1993] 1 R.C.S. 837

Renvoi relatif à la *Loi sur les écoles publiques* (Man.),
art. 79(3), (4) et (7), [1993] 1 R.C.S. 839

Jugements publiés dans [1993] 1 R.C.S., partie 6

Amchem Products Incorporated c.
Colombie-Britannique (Workers' Compensation
Board), [1993] 1 R.C.S. 897

Canada (Procureur général) c. Alliance de la Fonction
publique du Canada, [1993] 1 R.C.S. 941

R. c. Douglas; R. c. Myers, [1993] 1 R.C.S. 893

R. c. Hundal, [1993] 1 R.C.S. 867

Peter c. Beblow, [1993] 1 R.C.S. 980

Sie-Mac Pipeline Contractors Ltd. c. M.R.N., [1993] 1
R.C.S. 895

Westar Mining Ltd. (Re), [1993] 1 R.C.S. 890