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**APPLICATIONS FOR LEAVE TO
APPEAL FILED**

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

A.M.

Carolyn McCool and Vince Calderhead
B.C. Public Interest Advocacy Centre

v. (24612)

Clive Ryan et al. (B.C.)

C.E. Hinkson, Q.C.
Harper Grey Easton
Matthew Cooperwilliams
Alexander Holburn Beaudin & Lang

FILING DATE 17.3.1995

Douglas Clayton Casselman et al.

Rolf Weddigen
Singleton Urquhart MacDonald
Alison L. Murray/Karen E. Jamieson
Dickson Murray

v. (24613)

Ion Serban (B.C.)

Robert McNeney
McNeney & McNeney

FILING DATE 17.3.1995

Richard W.O. Morin

Zia H. Chishti

v. (24614)

**Board of School Trustees of Regional
Administration Unit No. 3 (P.E.I.)**

Roger B. Langille
Dept. of Justice

FILING DATE 17.3.1995

Joseph Radassao

Frank Addario
Ruby & Edwardh

v. (24615)

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

Scott K. Fenton
Dept. of Justice

FILING DATE 20.3.1995

Irene Gail Grenkow

Derrick G. Wickstrom
Hennigar, Wells, Lamey & Baker

v. (24616)

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

Kenneth W. Fiske, Q.C.
Public Prosecutor Service

FILING DATE 20.3.1995

Jean-Pierre Dumesnil

Jacques Larochelle

c. (24618)

**L'Honorable Jean-François Dionne et autres
(Crim.)(Qué.)**

Alain Tanguay
Bureau du Procureur général

DATE DE PRODUCTION 17.3.1995

Commission Scolaire Jérôme Le Royer

Jean Pomminville
Philippe Frère
Lavery, de Billy

c. (24620)

**Le Syndicat des enseignantes et des enseignants
de Le Royer et al.**

Marcel Rivest
Rivest, Schmidt, Moreau, Desautels et
Tardif

DATE DE PRODUCTION 17.3.1995

Omar C.

Philip Campbell
Copeland, Liss, Campbell

v. (24283)

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

Alexander Alvaro
Attorney General for Ontario

FILING DATE 22.3.1995

MARCH 23, 1995 /

LE 23 MARS 1995

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

IN THE MATTER of Regina v. Karla Bernardo (Teale), and an
Indictment charging the said Karla Bernardo (aka Teale) with two counts
of manslaughter pursuant to section 234 of the *Criminal Code of Canada*;

AND IN THE MATTER of an application brought by Her Majesty the Queen
seeking an order banning the publication of the proceedings in *Regina v.*
Karla Bernardo (aka Teale) until the completion of Paul Bernardo Teale's trial;

AND IN THE MATTER of an application by the Canadian Broadcasting Corporation
under s. 24 of the *Canadian Charter of Rights and Freedoms*, Rule 14.05 of the Rules
of Civil Procedure, and Rule 6 of the Criminal Proceedings Rules for an order that
the proceedings in the matter of *Regina v. Karla Bernardo (aka Teale)* be held in public
and that representatives of the Applicant be permitted to be present during and to
report upon the said proceedings

Canadian Broadcasting Corporation

v. (24579)

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

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Pre-trial procedure - Publication bans - Right of an accused to a fair trial v. freedom of the press - Whether the trial judge had jurisdiction to grant an order permanently enjoining publication of a portion of the proceedings and in sealing the transcript of the proceedings pursuant to s. 486(1) of the *Criminal Code*, R.S.C. 1985, c. C-46 - Whether the order infringes ss. 2(b) and 11(d) of the *Canadian Charter of Rights and Freedoms* and is not a reasonable limit prescribed by law demonstrably justifiable in a free and democratic society - Whether the trial judge erred in enjoining publication on the ground that the order was necessary to preserve the right of Paul Bernardo (Teale) to a fair trial, in light of the opposition to the order of Paul Bernardo (Teale) - Whether the trial judge erred in applying the test to determine whether the order was required on the grounds prescribed by s. 486(1) of the *Criminal Code*.

PROCEDURAL HISTORY

July 5, 1993
Ontario Court of Justice (General Division)
(Kovacs J.)

Order: temporary non-publication ban until the
completion of the trial of Paul Bernardo Teale on
two first degree murder charges

December 22, 1994
Court of Appeal for Ontario
(Dubin C.J.), Brooke, Catzman, Galligan and Abella
JJ.A.)

Crown's motion to quash appeal granted

February 22, 1995
Supreme Court of Canada

Application for leave to appeal filed

Michael Daniel Beals

v. (24519)

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

NATURE OF THE CASE

Criminal law - Conviction and sentence - Evidence - Applicant found guilty of various offences including "living off the avails of prostitution" and aggravated assault - Credibility of chief Crown witness - Double jeopardy - Charge to jury respecting use of expert evidence, prior consistent statements by the complainant, and onus of the Crown to establish that the Applicant was aware the complainant was less than eighteen (18) years of age - Section 150(1)(5) of the *Criminal Code* - Reading of extracts from complainant's evidence.

PROCEDURAL HISTORY

June 18, 1993
Supreme Court of Nova Scotia
(Goodfellow J.)

Convictions entered on six of seven offences or on included offences; sentence of seven years incarceration imposed

November 15, 1994
Court of Appeal for Nova Scotia
(Hallett, Chipman and Pugsley JJ.A)

Appeal against conviction dismissed; Application for leave to appeal against sentence granted, appeal dismissed

January 10, 1994
Supreme Court of Canada

Application for leave to appeal filed

The Brotherhood of Locomotive Engineers

v. (24541)

Michel Picher and Via Rail Canada Inc. (Que.)

NATURE OF THE CASE

Labour law - Labour relations - Arbitration - Administrative law - Jurisdiction - Judicial review - Statutes - Interpretation - Enforcement of a letter of agreement governing the operation of conventional passenger trains with only one engineer in the locomotive - Whether the arbitration can proceed before a determination is made by Transport Canada with respect to Via Rail's proposal - Whether the Court of Appeal erred in holding that the arbitrator did not exceed his jurisdiction in proceeding to hear the dispute between the parties.

PROCEDURAL HISTORY

January 21, 1992
(Picher, Arbitrator)

Interim award: The arbitrator has jurisdiction to hear the dispute

August 4, 1992
Superior Court
(Macerola J.)

Applicant's motion for judicial review dismissed

November 25, 1994
Court of Appeal of Quebec
(Baudouin, Fish and Otis, JJ.A.)

Appeal dismissed

January 23, 1995
Supreme Court of Canada

Application for leave to appeal filed

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

Kenneth James Hunter

v. (24552)

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

NATURE OF THE CASE

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

PROCEDURAL HISTORY

May 17, 1991
Ontario Court of Justice (General Division)
(Hurley J.)

Conviction: first degree murder

September 6, 1994
Court of Appeal for Ontario
(Osborne J.A.; Brooke and Catzman JJ.A.
concurring)

Appeal dismissed

February 6, 1995
Supreme Court of Canada

Application for leave to appeal
filed

February 7, 1995
Supreme Court of Canada
(Sopinka J.)

Motion for extension of time granted

Society For Manitobans With Disabilities Inc.,

v. (24556)

Her Majesty The Queen In Right Of The Province Of Manitoba (Man.)

NATURE OF THE CASE

Property law - Leases - Interpretation - Interpretation of phrase in lease "replacement value to the lessee" - Whether special considerations apply to the interpretation on non-commercial agreements such as should the Court consider the special nature of the relationship between the parties and the purpose of the agreement - To what extent should principles of interpretation applicable to commercial agreements apply to non-commercial agreements - What is the meaning of the phrase "replacement value" - Whether the Court of Appeal's decision conflict with other decisions

in which that phase has been interpreted - What weight should a Court give to a party's stated position as an indication of that party's intention.

PROCEDURAL HISTORY

April 19, 1994
Court of Queen's Bench of Manitoba
(Kennedy J.)

Order that Applicant entitled to value of the
structures less the cost of physical depreciation

January 20, 1995
Court of Appeal of Manitoba
(Scott C.J.M., Twaddle and Helper JJ.A.)

Appeal allowed and cross-appeal dismissed

February 7, 1995
Supreme Court of Canada

Application for leave to appeal filed

Christopher Woldrich

v. (24553)

**The Mental Health Review Board
having jurisdiction for The Health Sciences Centre Psychiatric Facility**

- and -

The Province of Manitoba (Man.)

NATURE OF THE CASE

Administrative law - Canadian Charter of Rights - Civil - Procedural law - Civil procedure - Whether Court of Appeal erred in deciding that the Respondent's insistence on questioning the Applicant, over his objection, at a hearing where the Respondent had the Applicant's liberty at its discretion, did not infringe the Applicant's right to silence under s. 7 of the *Charter* - Whether the Court of Appeal erred by deciding that the Motions Court judge declared the Applicant's testimonial non-compellability in a "factual vacuum" in the face of a record that showed factual circumstances and was not disputed by the parties - Whether the Court of Appeal erred in setting aside the declaration of the Motions Court that the Applicant could not be compelled to testify against himself in proceedings before the Respondent since his right to silence is guaranteed under s. 7 of the *Charter* - Whether persons detained under provincial mental health legislation have the right not to be compelled to give evidence against themselves is a matter warranting a decision by the Supreme Court of Canada.

PROCEDURAL HISTORY

November 5, 1992
Court of Queen's Bench of Manitoba
(Hanssen J.)

Order that *sub poena* issued by the Mental Health Review Board be quashed and that the Applicant, Christopher Woldrich is not a compellable witness in proceedings before the Board

July 7, 1994
Court of Appeal of Manitoba
(Twaddle, Lyon and Helper JJ.A.)

Appeal allowed

February 6, 1995
Supreme Court of Canada

Application for leave to appeal filed

NB Power Corporation

v. (24538)

**Alexander Edmond Sivret, a minor,
by his litigation guardian, Deborah Jean Peterson,
and Deborah Jean Peterson (N.B.)**

NATURE OF THE CASE

Torts - Negligence - Damages - Procedural law - Civil procedure - Settlement - Offer to settle not revoked - The minor Respondent missing and possibly dead - Whether the Court of Appeal erred in holding that there was a binding offer of settlement of this litigation - Whether in the event that there was a binding offer of settlement, the Court of Appeal erred in holding that the settlement in respect of the minor Alexander Sivret was reasonable having regard to the fact that the minor was missing and might be dead.

PROCEDURAL HISTORY

March 7, 1994
Court of Queen's Bench of New Brunswick
(McLellan J.)

Respondent's motion for declaration that binding settlement reached dismissed

January 3, 1995
Court of Appeal of New Brunswick
(Angers J.A; Rice and Turnbull, JJ.A.
concurring)

Appeal allowed

January 20, 1995
Supreme Court of Canada

Application for leave to appeal
filed

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

Dorothée Chabotar

c. (24563)

La Reine et la Cour municipale de Laval (Crim.)(Qué.)

NATURE DE LA CAUSE

Droit criminel - Preuve - Demanderesse filmée par un agent de sécurité du magasin Sears alors qu'elle change l'étiquette du prix d'un vêtement - Cet agent et un autre de ses confrères témoignent au procès de la demanderesse, mais la cassette vidéo n'est pas produite - La poursuite avait-elle l'obligation de communiquer toute sa preuve à la comparution de l'accusée? -La poursuite avait-elle l'obligation de fournir une copie de la cassette vidéo? - Est-ce que la Cour municipale avait l'obligation de demander la production de la cassette vidéo? - Est-ce que la Cour supérieure et la Cour d'appel auraient pu permettre la production de la cassette vidéo? -Est-ce que l'accusée a eu une défense pleine et entière?

HISTORIQUE PROCÉDURAL

Le 24 janvier 1994 Cour municipale de Laval (Charbonneau j.c.m.)	Demanderesse reconnue coupable, par procédure sommaire, d'avoir frustré d'une somme de 11\$ la plaignante Sears
Le 8 septembre 1994 Cour supérieure du Québec (Flahiff j.c.s.)	Appel rejeté
Le 12 décembre 1994 Cour d'appel du Québec (Deschamps j.c.a.)	Requête en autorisation d'appel rejetée
Le 13 février 1994 Cour suprême du Canada	Demande d'autorisation d'appel déposée
Le 17 mars 1995 Cour suprême du Canada	Requête en prorogation des délais déposée

Richard Clarke

v. (24583)

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

NATURE OF THE CASE

Criminal law - Procedural law - Trial - Evidence - Young offenders - Did prior inconsistent statement of a witness, a young offender, from the preliminary hearing meet the requirements of *R. v. B.(K.G.)*, [1993] 1 S.C.R. 740 - Was statement improperly admitted for its truth at trial - Whether the Court of Appeal erred in holding that the trial judge did not err in his use of the witness' statement to the detective concerning a bribe - Whether the Court of Appeal erred in holding that the Crown's failure to disclose information concerning the witness' original charge did not warrant ordering a new trial.

PROCEDURAL HISTORY

May 5, 1993 Ontario Court of Justice (General Division) (Soublière J.)	Conviction: possessing cocaine and trafficking in cocaine
May 26, 1993 Ontario Court of Justice (General Division) (Soublière J.)	Application for stay or new trial dismissed
June 3, 1993 Ontario Court of Justice (General Division) (Soublière J.)	Ruling allowing Crown to use a witness' prior inconsistent statement substantively
December 21, 1994 Court of Appeal for Ontario (Brooke, Griffiths and Doherty JJ.A.)	Appeal against conviction dismissed
February 17, 1995 Supreme Court of Canada	Application for leave to appeal filed

Seyyed Farshid-Ghazi

v. (24561)

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

NATURE OF THE CASE

Criminal law - Evidence - Trial - Narcotics - Credibility - Evidentiary foundation for questions put to accused in cross-examination - Whether Crown counsel at trial put factual assertions, for which there was no evidentiary foundation, to the Applicant on matters vital to his credibility.

PROCEDURAL HISTORY

February 24, 1993 Ontario Court of Justice (General Division) (Smith J.)	Mr. Farshid-Ghazi found guilty of possession of heroin for the purpose of trafficking, and trafficking in heroin
September 6, 1994 Court of Appeal for Ontario (Brooke, Grange and Arbour JJ.A.)	Appeal against conviction and sentence dismissed
February 9, 1995 Supreme Court of Canada	Application for leave to appeal filed

Scott Alexander Smellie

v. (24474)

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

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Criminal law - Seizure - Evidence - Narcotics - Police - Procedural law - Search incidental to arrest - *Charter* ss. 8, 24(2) - Whether the Court of Appeal erred in law in failing to hold, on the authority of *R. v. Grant* [1991] 3 S.C.R. 139, that the right to search incidental to arrest is limited to circumstances where it is impractical to obtain prior judicial authorization for the search - Whether the Court of Appeal erred in law in holding that the removal of the interior door panel of the Applicant's vehicle, without warrant, constituted a lawful search incidental to the arrest of the Applicant - Whether the Court of Appeal erred in law in failing to hold that the Applicant's right under s. 8 of the *Charter* had been infringed or denied and in failing to exclude the evidence seized in the course of the search pursuant to the provisions of Section 24(2) of the *Charter*.

PROCEDURAL HISTORY

February 4, 1993 Supreme Court of British Columbia (Davies J.)	Conviction: possession of cocaine for the purpose of trafficking
December 14, 1994 Supreme Court of British Columbia (Southin, Proudfoot and Ryan JJ.A.)	Appeal dismissed
February 13, 1995 Supreme Court of Canada	Application for leave to appeal filed

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

Construction Acibec (1980) Ltée

c. (24575)

**La Résidence Marro Inc., Sun Life du Canada Compagnie d'Assurance-Vie et
Le Régistrateur de la division d'enregistrement de Montréal (Qué.)**

NATURE DE LA CAUSE

Code civil - Droit commercial - Contrats - Prêt - Hypothèques - Droit des biens - Droits réels - Privilèges de constructeur - Contre-lettre au sens de l'art. 1212 C.c.B.C. - Fin de non-recevoir - La Cour d'appel a-t-elle erré en concluant que le recours de la demanderesse à la duplicité et à la simulation constitue une fin de non-recevoir à l'exécution, dirigée contre la créancière hypothécaire Sun Life, de son privilège de constructeur par ailleurs valablement enregistré contre La Résidence Marro? - Banque Nationale du Canada c. Soucisse, [1981] 2 R.C.S. 339.

HISTORIQUE PROCÉDURAL

APPLICATIONS FOR LEAVE
SUBMITTED TO COURT SINCE LAST ISSUE

REQUÊTES SOUMISES À LA COUR
DEPUIS LA DERNIÈRE PARUTION

Le 29 janvier 1993
Cour supérieure du Québec
(Hesler j.c.s.)

Action accueillie contre La Résidence Marro.
Ordonnance à l'effet de radier l'enregistrement du
privilège de constructeur de la demanderesse: celle-
ci ne peut faire valoir aucun droit contre Sun Life

Le 20 décembre 1994
Cour d'appel du Québec
(Mailhot, Tourigny et Brossard jj.c.a.)

Appel rejeté

Le 20 février 1995
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Terminaux portuaires du Québec Inc.

c. (24567)

Association des employeurs maritimes

et

Association internationale des débardeurs, section locale 1846 (Qué.)

NATURE DE LA CAUSE

Droit du travail - Relations de travail - Accréditation - Convention collective - Droit administratif - Injonction - Législation - Interprétation - Demande d'injonction permanente interdisant à l'intimée de conclure au nom de la demanderesse une convention collective concernant les débardeurs des installations portuaires de Bécancour sans avoir obtenu préalablement l'autorisation expresse de la demanderesse accueillie - Modification de l'article 34 du *Code du travail*, L.C. 1991, ch. 40, le 5 décembre 1991 - Appel de l'intimée accueilli - Annulation de l'ordonnance d'injonction permanente à compter du 5 décembre 1991 - Interprétation de l'article 34 du *Code canadien du travail* avant et après sa modification - La Cour d'appel a-t-elle erré en déclinant sa compétence d'émettre l'ordonnance d'injonction demandée et en considérant que la question était du ressort du Conseil canadien des relations du travail? - La Cour d'appel a-t-elle ainsi fait défaut d'analyser le mérite de la demande d'injonction et de confirmer le droit de la demanderesse au maintien de l'ordonnance d'injonction émise par le tribunal de première instance?

HISTORIQUE PROCÉDURAL

APPLICATIONS FOR LEAVE
SUBMITTED TO COURT SINCE LAST ISSUE

REQUÊTES SOUMISES À LA COUR
DEPUIS LA DERNIÈRE PARUTION

Le 1^{er} février 1990
Cour supérieure du Québec
(Croteau, J.C.S.)

Action de la demanderesse en injonction permanente
accueillie avec dépens

Le 16 décembre 1994
Cour d'appel du Québec
(Rothman, Mailhot et Otis, J.J.C.A.)

Appel de l'intimée accueilli en partie, chaque partie
payant ses frais

Le 14 février 1995
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Michel Gendron

c. (24555)

2968-1467 Québec Inc.

et

Banque de Nouvelle Écosse

et

L'Officier de la publicité des droits de la circonscription foncière de Gatineau

et

John Meloche *in trust* (Qué.)

NATURE DE LA CAUSE

Procédure - Procédure civile - Preuve - La Cour d'appel du Québec a-t-elle commis une erreur en rejetant la requête du demandeur pour présenter une preuve nouvelle indispensable en application de l'article 523 du *Code de procédure civile*? - La Cour d'appel du Québec a-t-elle commis une erreur en accueillant la requête de l'intimée en rejet d'appel?

APPLICATIONS FOR LEAVE
SUBMITTED TO COURT SINCE LAST ISSUE

REQUÊTES SOUMISES À LA COUR
DEPUIS LA DERNIÈRE PARUTION

HISTORIQUE PROCÉDURAL

APPLICATIONS FOR LEAVE
SUBMITTED TO COURT SINCE LAST ISSUE

REQUÊTES SOUMISES À LA COUR
DEPUIS LA DERNIÈRE PARUTION

Le 27 janvier 1994
Cour supérieure du Québec
(Trudel, J.C.S.)

Requête interlocutoire du demandeur pour permission d'interroger avant contestation l'affiant ainsi que l'avocat de l'intimée rejetée avec dépens

Le 14 février 1994
Cour supérieure du Québec
(Dagenais, J.C.S.)

Action en dation en paiement fondée sur l'acquiescement à jugement accueillie

Le 28 février 1994
Cour supérieure du Québec
(Landry, J.C.S.)

Requête interlocutoire du demandeur pour rejet de l'affidavit et de la comparution en reprise d'instance de l'intimée rejetée avec dépens

Le 7 décembre 1994
Cour d'appel du Québec
(Rothman, Brossard et Deschamps, J.J.C.A.)

Requête du demandeur pour présenter une preuve nouvelle indispensable rayée car sans objet

Le 7 décembre 1994
Cour d'appel du Québec
(Rothman, Brossard et Deschamps, J.J.C.A.)

Requête de l'intimée pour rejet d'appel accueillie avec dépens; Appel rejeté avec dépens

Le 6 février 1995
Cour suprême du Canada

Demande d'autorisation d'appel déposée contre les deux jugements de la Cour d'appel

MARCH 23, 1995 / LE 23 MARS 1995

24451 **JAMES EAKIN - v. - HER MAJESTY THE QUEEN** (Crim.)(Ont.)

CORAM: The Chief Justice and Gonthier and Iacobucci JJ.

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

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

NATURE OF THE CASE

Canadian Charter of Rights - Criminal Law - Evidence - Applicant convicted of aggravated sexual assault and theft solely on identification from photo line-up - Whether a photo line-up requires the consent of the accused - Whether accused has right to consult with counsel before anticipating in photo line-up - Whether the probative value of the photo line-up outweighed its prejudicial effects - Whether expert evidence ought to have been admitted.

24462 **D.M. - v. - HER MAJESTY THE QUEEN** (Crim.)(Ont.)

CORAM: The Chief Justice and Gonthier and Iacobucci JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

NATURE OF THE CASE

Criminal law - Sexual offences - Evidence of children - Competency - Examination and cross-examination of witnesses - Adequacy of judge's charge to jury - Fresh evidence.

24484 **HER MAJESTY THE QUEEN - v. - MARWIN G.** (Crim.)(Ont.)

CORAM: The Chief Justice and Gonthier and Iacobucci JJ.

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

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

NATURE OF THE CASE

Criminal law - Evidence - Credibility - Whether the majority of the Court of Appeal erred in law in holding that the trial judge erred by failing to expressly refer to all relevant considerations in coming to a decision to accept the evidence of the complainant and reject the evidence of the Respondent, in accordance with the principles laid down in *Regina v. Burns*, [1994] 1 S.C.R. 656 - Whether the majority of the Court of Appeal erred in law in holding that the trial judge erred in his approach respecting the credibility of the complainant, in accordance with the principles laid down in *Regina v. François*, [1994] 2 S.C.R. 827.

24336 **PAULINE MCGILLIVARY v. THE PROVINCE OF NEW BRUNSWICK** (N.B.)

CORAM: La Forest, Cory and Major JJ.

The application for leave to appeal is dismissed with costs.

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

NATURE OF THE CASE

Canadian Charter of Rights and Freedoms - Crown - Torts - Liability - Immunity - Negligence - Civil suit against crown - Applicant charged with second degree murder, arrested and refused bail - After preliminary hearing,

released on bail - Before trial, charge withdrawn - Applicant commenced action for damages alleging that her rights under *Charter* were infringed by agents and employees of the Crown in the right of the Province and claimed under s. 24 of *Charter* that she is entitled to damages - Immunity from liability for negligent acts committed by the Crown employees, agents and servants in the course of their employment in the enforcement of the criminal law.

24151 THE VILLAGE COMMISSIONERS OF WAVERLY, a body corporate, BOB BROWN, MARILYN CLARKE, COLIN CLARKE, RICHARD CLARKE, GERRY DAVIS, DON DAY, HAROLD DILLON, CAROL DUFFUS, ALLAN DUFFUS, ROSLYN DUFFUS, LARRY GUMBLEY, MAXINE HANNABY, PENNY HANNABY, MIKE HARTLEN, PETER HILCHIE, BRUCE KEEVIL, SHEILA KAIZER, PAUL KAIZER, MALCOLM KIRK, MAUREEN KIRK, ROSEMARY KUTTNER, KEITH LARDNER, RON LINDALA, CLAIRE LONGHURST, BOB McDONALD, CLIFF MILLIGAN, HAROLD NESBITT, WENDY NESBITT, CHARLES SCHAFER, DANA SCHAFER, MARGO SOLLOWS, ELDON STEVENS, BETTY ANN STEVENS, WAYNE STOBO, NANCY STOBO, RITA TRACEY, ROY TRACEY v. THE HONOURABLE GREG KERR, ACTING MINISTER OF MUNICIPAL AFFAIRS, THE ATTORNEY GENERAL OF NOVA SCOTIA REPRESENTING HER MAJESTY THE QUEEN IN THE RIGHT OF THE PROVINCE OF NOVA SCOTIA and TIDEWATER CONSTRUCTION COMPANY LIMITED (N.S.)

CORAM: La Forest, Cory and Major JJ.

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

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

NATURE OF THE CASE

Administrative law - Procedural law - Judicial review - Pre-trial procedure - Examinations for discovery - *Certiorari* application challenging the exercise of a ministerial discretion - Whether the Court of Appeal erred in law in its determination and application of the standards and evidence appropriate in assessing whether an administrative decision-maker should be examined on discovery - Whether the Court of Appeal erred in law in not considering Crown immunity from discovery, the basis of the decision appealed to it, and misdirected and misapplied itself in permitting to remain on the record a judicial termination between the parties on the immunity from discovery of a Minister and two civil servants that is erroneous - Whether the Court of Appeal erred in law in its interpretation of what constitutes a proper return of the record in an application for *certiorari*, and in particular, when the decision is made at a meeting where the Minister is briefed, without notice or affording an opportunity to be heard to affected persons - Application and interpretation of *Tremblay v. Quebec (C.A.S.)*, [1992] 1 S.C.R. 952.

24427 EVELYN RIZK v. SYNDICAT DES ENSEIGNANTES ET ENSEIGNANTS DE LE ROYER (Qué.)

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

The application for leave to appeal is dismissed with costs.

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

NATURE OF THE CASE

Torts - Labour law - Arbitration - Damages - School Commission terminating Applicant's employment on ground of breach of contract - Applicant's grievance allowed on the basis of procedural error - Applicant's employment terminated and grievance allowed - Damages awarded to Applicant taking into account the fact that she did not have the legal capacity to teach during the relevant years - Applicant's action in damages dismissed - Whether the Courts erred in dismissing the Applicant's action.

17.3.1995

Before / Devant: THE REGISTRAR

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

Christopher Woldrich

v. (24553)

The Mental Health Review Board et al. (Man.)

Requête en prorogation du délai pour déposer la réponse de l'intimé

With the consent of the parties.

GRANTED / ACCORDÉE Time extended to March 10, 1995.

17.3.1995

Before / Devant: LE REGISTRAIRE

Autre requête en appel visant à accepter le mémoire de l'appelant sans numérotation dans la marge

Jean-Denis Gagnon

c. (23597)

Sa Majesté La Reine (Qué.)

ACCORDÉE / GRANTED

Miscellaneous motion on appeal accepting appellant's factum without marginal numbering

Avec le consentement des parties.

17.3.1994

Before / Devant: McLACHLIN J.

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

Leonard V. Gray

v. (24532)

Her Majesty The Queen (Ont.)

GRANTED / ACCORDÉE Time extended to March 31, 1995.

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

With the consent of the parties.

17.3.1995

Before / Devant: McLACHLIN J.

Motion for acceptance of memorandum of argument on leave to appeal of over 20 pages

Leonard V. Gray

v. (24532)

Her Majesty The Queen (Ont.)

Requête en acceptation d'un mémoire de demande d'autorisation de plus de 20 pages

With the consent of the parties.

GRANTED / ACCORDÉE May not exceed 30 pages.

17.3.1995

Before / Devant: LE REGISTRAIRE

Requête en prorogation du délai pour déposer le dossier d'appel

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

Sa Majesté La Reine

c. (24310)

Jacques Fleurant (Qué.)

ACCORDÉE / GRANTED La requête en prorogation de délai et pour permission de produire le dossier conjoint dans sa forme actuelle est accordée et le délai est prorogé au 28 février 1995.

17.3.1995

Before / Devant: THE REGISTRAR

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

Requête en prorogation du délai pour déposer le mémoire des appelants

Yukon Human Rights Commission et al.

With the consent of the parties.

v. (23584)

Yukon Order of Pioneers et al. (Yuk.)

GRANTED / ACCORDÉE Time extended to March 27, 1995.

17.3.1995

Before / Devant: LE JUGE McLACHLIN

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

TSCO of Canada Ltd.

c. (24611)

Robert Châteauneuf et al. (Qué.)

ACCORDÉE / GRANTED La requête de la part de la requérante demandant un délai de soixante-quinze (75) jours à compter de la date du jugement de la Cour d'appel pour déposer une demande d'autorisation d'appel est accordée.

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

Avec le consentement des parties.

17.3.1995

Before /Devant: LE JUGE McLACHLIN

**Requête en acceptation d'un mémoire de demande
d'autorisation de plus de 20 pages**

**Motion for acceptance of memorandum of
argument on leave to appeal of over 20 pages**

TSCO of Canada Ltd.

c. (24611)

Robert Chateaufeuf et al. (Qué.)

REJETÉE / DISMISSED La requête de la part de la requérante pour obtenir l'autorisation de produire un mémoire de 60 pages est rejetée.

20.3.1995

Before / Devant: McLACHLIN J.

Motion for leave to intervene

BY/PAR: Ontario Federation of Anglers
and Hunters

IN/DANS: Donald Gladstone et al.
v. (23801)

Her Majesty The Queen (B.C.)

Requête en autorisation d'intervention

Timothy S.B. Danson for the motion.

B.A. Crane, Q.C. for the appellants.

S. David Frankel, Q.C. for the respondent.

DISMISSED / REJETÉE

The Ontario Federation of Anglers and Hunters seeks leave to intervene in this appeal. Both the appellants and the respondent oppose the motion.

The motion is brought out of time, as the date for hearing the appeal grows imminent. Moreover, if granted, it would result in the presentation to this Court of a new body of evidence, consisting of the opinion of an expert as to the methodology relevant to ascertaining the right to exploit resources. This in turn, might entail the need to hear further evidence and might even require cross-examination of the expert in question. Moreover, litigants in other actions under appeal might be affected. I conclude that this material cannot, in fairness, be received at this stage.

The application is dismissed.

20.3.1995

Before / Devant: LE JUGE McLACHLIN

Requête en jonction ou en substitution de parties

Motion to add or substitute parties

J.L.D.

Avec le consentement des parties.

c. (24028)

René Vallée (Qué.)

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

20.3.1995

Before / Devant: THE REGISTRAR

-
- 1) Motion to extend the time in which to serve and file the applicant's reply
 - 2) Miscellaneous motion to accept the reply in its present form

Albert Foulston

v. (24529)

Her Majesty The Queen (Alta.)

GRANTED / ACCORDÉE Time extended to March 17, 1995.

- 1) Requête en prorogation du délai de signification et de dépôt de la réplique du requérant
- 2) Autre requête en acceptation de la réplique sous sa forme actuelle

With the consent of the parties.

21.3.1995

Before / Devant: McLACHLIN J.

Motion for leave to intervene**Requête en autorisation d'intervention**

BY/PAR: Assembly of First Nations

IN/DANS: Wayne Clarence Badger et al.

v. (23603)

Her Majesty The Queen (Alta.)

GRANTED / ACCORDÉE

1. The motion to extend time and for leave to intervene is granted.
2. The factum should be limited to 20 pages and filed no later than March 23, 1995 and oral argument be limited to 15 minutes.
3. The Respondent is authorized to file a reply factum no later than April 17, 1995.

21.3.1995

Before / Devant: THE REGISTRAR

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

Briton Amos

v. (24164)

Insurance Corporation of British Columbia (B.C.)

GRANTED / ACCORDÉE Time extended to March 31, 1995.

**Requête en prorogation du délai imparti pour
déposer le mémoire de l'intimé**

With the consent of the parties.

21.3.1995

Before / Devant: McLACHLIN J.

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

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

Bluebird Footwear Inc. et al.

v. (24386)

General Motors Acceptance Corp. of Canada Ltd.
et al. (Qué.)

DISMISSED / REJETÉE

21.3.1995

Before / Devant: McLACHLIN J.

**Motion to extend the time in which to apply for
leave to appeal****Requête en prorogation du délai pour obtenir
l'autorisation d'appel**

Kamran Moghbel

v. (24307)

Her Majesty The Queen (Qué.)

GRANTED / ACCORDÉE

1. The motion for an extension of time is granted provided that the applicant files the required supporting material for his application for leave no later than April 10, 1995.
2. If the applicant does not file the required supporting material for his application for leave on or before April 10, 1995, the leave application will be dismissed as abandoned.

22.3.1995

Before / Devant: CHIEF JUSTICE LAMER

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

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

Norman Eugene Thibert

With the consent of the parties.

v. (24435)

Her Majesty The Queen (Alta.)

GRANTED / ACCORDÉE on condition that the appellant's factum be filed no later than April 25, 1995 and that the appeal be ready for the opening of the fall term.

22.3.1995

Before / Devant: THE REGISTRAR

**Motion to extend the time in which to file the
response by Ontario Hydro**

Ian Blue, Q.C.

v. (24393)

Ontario Hydro et al. (Ont.)

GRANTED / ACCORDÉE Time extended to March 20, 1995.

**Requête en prorogation du délai imparti pour
déposer la réponse d'Ontario Hydro**

With the consent of the parties.

21.3.1995

Her Majesty The Queen

v. (24302)

Donald Robinson (Crim.)(B.C.)

AS OF RIGHT

22.3.1995

L.L.A. et al.

v. (24568)

A.B. et al. (Ont.)

22.3.1995

Randy Andre McMaster et al.

v. (24395)

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

23.3.1995

Royal Bank of Canada

v. (24316)

**North American Life Assurance Company et al.
(Sask.)**

**NOTICES OF DISCONTINUANCE
FILED SINCE LAST ISSUE**

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

21.3.1995

The Tseshah, an Indian Band et al.

v. (23234)

**Her Majesty The Queen in right of the province of
B.C. (B.C.)**

(appeal)

**APPEALS HEARD SINCE LAST ISSUE
AND DISPOSITION**

**APPELS ENTENDUS DEPUIS LA
DERNIÈRE PARUTION ET
RÉSULTAT**

20.3.1995

CORAM: Chief Justice Lamer and La Forest, L'Heureux-Dubé, Sopinka, Gonthier, Cory and Major JJ.

David Goddard

v. (24200)

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

SOPINKA J. -- In view of the finding of the trial judge that there existed a reasonable doubt as to whether the appellant undertook to advise the police officers when they would be needed as witnesses, we cannot agree with the Court of Appeal that the trial judge erred in law in dismissing the charge. We agree with the trial judge that what took place in the courtroom did not amount to obstruction. In the circumstances of this case, no false statement was made by the appellant to the court. Nor did he withhold information that he was obliged by law to disclose. In our view, therefore, the trial judge was entitled to conclude that in all the circumstances it was not established beyond a reasonable doubt that the appellant had made a false representation either actively or by omitting to disclose a fact which the appellant had a duty to disclose. He did not err in law in so concluding.

We wish to add a comment on the appellant's conduct. If this were the conduct of a lawyer, it would be the subject of disciplinary proceedings. We agree with the comments of the trial judge therefore that the conduct while not criminal was ethically inexcusable.

The appeal is allowed, the judgment of the Court of Appeal is set aside and the acquittal is restored. L'Heureux-Dubé and Gonthier JJ., dissenting, would have dismissed the appeal for the reasons of the Court of Appeal.

Alexander D. Pringle, Q.C., and Shawn Beaver,
for the appellant.

Jack Watson, Q.C., for the respondent.

LE JUGE SOPINKA -- Compte tenu de la conclusion du juge du procès qu'il y avait un doute raisonnable quant à savoir si l'appelant a entrepris d'informer les policiers du moment où leurs services seraient requis en tant que témoins, nous ne pouvons convenir avec la Cour d'appel que le juge du procès a commis une erreur de droit en rejetant l'accusation. Nous partageons l'avis du juge du procès que ce qui s'est passé dans la salle d'audience ne constituait pas une entrave. Dans les circonstances de la présente affaire, l'appelant n'a fait aucune fausse déclaration à la cour. Il n'a pas non plus dissimulé des renseignements qu'il était légalement tenu de divulguer. À notre avis, le juge du procès avait donc le droit de conclure que, compte tenu de toutes les circonstances, il n'était pas établi hors de tout doute raisonnable que l'appelant avait fait une fausse déclaration activement ou en omettant de divulguer un fait qu'il était tenu de divulguer. Il n'a commis aucune erreur de droit en tirant cette conclusion.

Permettez-nous d'ajouter un commentaire au sujet du comportement de l'appelant. Si ce comportement était celui d'un avocat, il ferait l'objet de procédures disciplinaires. Nous souscrivons donc aux commentaires du juge du procès selon lesquels, quoique non criminel, le comportement en cause était inexcusable du point de vue déontologique.

Le pourvoi est accueilli, l'arrêt de la Cour d'appel est annulé et le verdict d'acquiescement est rétabli. Les juges L'Heureux-Dubé et Gonthier, qui sont dissidents, auraient rejeté le pourvoi pour les raisons exposées par la Cour d'appel.

21.3.1995

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

Ernest A. Hawrish

v. (23898)

Her Majesty The Queen (Crim.)(Sask.)

THE CHIEF JUSTICE (orally) -- There was evidence sufficient to support the convictions entered by the trial judge, and no prejudice being argued, there was no miscarriage of justice.

The appeal is dismissed.

A.G. Henderson, Q.C. and J.M. Sullivan, for the appellant.

Terrence R. Hinz, for the respondent.

LE JUGE EN CHEF (oralement) -- La preuve était suffisante pour justifier les déclarations de culpabilité prononcées par le juge du procès et, en l'absence d'allégation de préjudice, aucune erreur judiciaire n'a été commise.

Le pourvoi est rejeté.

21.3.1995

CORAM: La Forest, Sopinka, Gonthier, Cory, McLachlin, Iacobucci and Major JJ.

Consolidated Enfield Corporation

v. (23887)

Michael F. Blair (Ont.)

LA FOREST J. (orally for the Court) -- The appeal is dismissed with costs to the respondent on a solicitor and client basis, with reasons to follow.

Dennis R. O'Connor, Q.C. and Ronald Foerster,
for the appellant.

Patricia A. Virc, for the respondent.

LE JUGE LA FOREST (oralement au nom de la Cour) -- Le pourvoi est rejeté avec dépens à l'intimé comme entre procureur et client, avec motifs à suivre.

22.3.1995

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

Her Majesty The Queen

Susan L. Reid, for the appellant.

v. (24143)

Carson Livermore (Crim.)(Ont.)

Lorne Levine, for the respondent.

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

Criminal law - Offences - Defences - Trial - Charge to the jury - Did trial judge err in his summary of the evidence and in his response to the jury's request to have evidence relating to consent played back? - Did trial judge err in not cautioning the jury on the use to be made of prior inconsistent statements that have not been adopted? - Did trial judge err in his instruction regarding medical evidence? - Were errors by trial judge such that the outcome of the trial would not necessarily have been the same in the absence of the errors?

Nature de la cause:

Droit criminel - Infractions - Moyens de défense - Procès - Exposé du juge aux jurés - Le juge du procès a-t-il commis une erreur dans son résumé de la preuve et dans sa réponse à la demande des jurés en vue de réentendre les témoignages relatifs au consentement? - Le juge du procès a-t-il commis une erreur en ne mettant pas les jurés en garde contre l'utilisation qu'il faut faire de déclarations antérieures inconsistantes qui n'ont pas été retenues? - Le juge du procès a-t-il commis une erreur dans ses directives aux jurés au sujet de la preuve médicale? - Les erreurs commises par le juge du procès étaient-elles graves au point que l'issue du procès n'aurait pas été nécessairement la même en l'absence de ces erreurs?

22.3.1995

CORAM:

Chief Justice Lamer and La Forest, L'Heureux-Dubé, Sopinka, Gonthier, Cory, McLachlin, Iacobucci and Major JJ.

Brendon Fitzpatrick

v. (24254)

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

Murray L. Smith and Arthur M. Grant, for the
appellant.

James D. Bissell, Q.C. and Kenneth J. Yule, for
the respondent.

Michel Y. Hélie, for the intervener the Attorney
General for Ontario.

Monique Rousseau et Gilles Laporte, pour
l'intervenant le Procureur général du Québec.

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

Charter of Rights and Freedoms - Evidence -
Admissibility - Principle against self-incrimination
-Fishing offences -Whether the admission into
evidence of the daily fishing logs and hail report
infringes or denies the Appellant's rights under
sections 7, 11(c), or 11(d) of the *Charter* - If so,
whether such admission into evidence is a
reasonable limit prescribed by law which can be
demonstrably justified in a free and democratic
society?

Nature de la cause:

Charte des droits et libertés - Preuve -
Admissibilité - Principe interdisant
l'auto-incrimination -Infractions en matière de
pêche - Rapport d'arraisonnement - L'utilisation
en preuve des carnets des prises quotidiennes et
du rapport d'arraisonnement porte-t-elle atteinte
aux droits de l'appelant garantis par les art. 7, 11(c)
ou 11(d) de la *Charte*? - Dans l'affirmative, s'agit-il
d'une atteinte dont la justification puisse se
démontrer dans le cadre d'une société libre et
démocratique?

23.3.1995

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

L'honorable Andrée Ruffo

c. (23127)

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

Michel Robert, c.r. et David Platts pour l'appelante.

Pierre J. Dalphond et Carole Tremblay pour les intimés.

Jean-Yves Bernard et Marise Visocchi pour le mis-en-cause le Procureur général du Québec.

François Aquin pour le mis-en-cause l'honorable juge Gobeil.

Peter Landmann for the intervener the Attorney General for Ontario.

EN DÉLIBÉRÉ

Nature de la cause:

Charte canadienne des droits et libertés - Libertés publiques - Droit administratif - Droit des professions - Compétence - Législation - Crainte raisonnable de partialité - Liberté d'expression des juges - Indépendance judiciaire - Les actes du juge en chef Gobeil sont-ils de nature à violer la liberté d'expression de l'appelante? - Le dépôt et la nature de la plainte, ainsi que tous les faits et circonstances entourant le dépôt de celle-ci, sont-ils de nature à soulever chez une personne bien renseignée une crainte raisonnable de partialité de la part du Conseil et de son Comité d'enquête?

Nature of the case:

Canadian Charter of Rights and Freedoms - Civil rights - Administrative law - Law of professions - Jurisdiction - Statutes - Reasonable fear of bias - Judicial freedom of expression - Judicial independence - Whether acts of Chief Judge Gobeil were such as to infringe appellant's freedom of expression - Whether nature of complaint and all facts and circumstances surrounding its filing are such as would cause an informed person to have reasonable fear of bias by Conseil and its Comité d'enquête.

WEEKLY AGENDA

ORDRE DU JOUR DE LA SEMAINE

AGENDA for the week beginning March 27, 1995.
ORDRE DU JOUR pour la semaine commençant le 27 mars 1995.

<u>Date of Hearing/ Date d'audition</u>	<u>No.</u>	<u>Case Number and Name/ Numéro et nom de la cause</u>
---------------------------------------------	------------	------------------------------------------------------------

The Court is not sitting this week

La Cour ne siège pas cette semaine

NOTE:

This agenda is subject to change. Hearing dates should be confirmed with Process Registry staff at (613) 996-8666.

Cet ordre du jour est sujet à modification. Les dates d'audience devraient être confirmées auprès du personnel du greffe au (613) 996-8666.

DEADLINES: MOTIONS

DÉLAIS: REQUÊTES

BEFORE THE COURT:

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

Motion day : **April 4, 1995**
Service : March 13, 1995
Filing : March 20, 1995
Respondent : March 27, 1995

Motion day : **May 1, 1995**
Service : April 10, 1995
Filing : April 17, 1995
Respondent : April 24, 1995

Motion day : **June 5, 1995**
Service : May 15, 1995
Filing : May 22, 1995
Respondent : May 29, 1995

DEVANT LA COUR:

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

Audience du : **4 avril 1995**
Signification : 13 mars 1995
Dépot : 20 mars 1995
Intimé : 27 mars 1995

Audience du : **1 mai 1995**
Signification : 10 avril 1995
Dépot : 17 avril 1995
Intimé : 24 avril 1995

Audience du : **5 juin 1995**
Signification : 15 mai 1995
Dépot : 22 mai 1995
Intimé : 29 mai 1995

DEADLINES: APPEALS

The fall session of the Supreme Court of Canada will commence in early October 1995.

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

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

Appellant's factum must be filed within 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 1995 session in early August 1995.

DÉLAIS: APPELS

La session d'automne de la Cour suprême du Canada commencera au début d'octobre 1995.

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

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

Le mémoire de l'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.

Au début du mois d'août 1995, le registraire mettra au rôle de la session d'octobre 1995 tous les appels inscrits pour audition.

