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**APPLICATIONS FOR LEAVE TO
APPEAL FILED**

Les Marchés Bonanza (Lachine) Inc. et al.
Denis Caron

c. (24548)

Procureur général du Québec (Qué.)
François Drolet
Subs. procureur général

DATE DE PRODUCTION 19.1.1995

Les Marchés Bonanza (Lachine) Inc. et al.
Denis Caron

c. (24547)

Procureur général du Québec (Qué.)
François Drolet
Subs. procureur général

DATE DE PRODUCTION 19.1.1995

Sa Majesté La Reine
Michel F. Denis

c. (24551)

Denis Laporte (Crim.)(Qué.)
Chantal Thériault

DATE DE PRODUCTION 3.2.1995

Bouvillons Canada Ltée et al.
Jean-Philippe Gervais
Gervais et Robert

c. (24550)

Bertrand Labbé et al. (Qué.)
Pierre Cimon
Ogilvy Renault

DATE DE PRODUCTION 3.2.1995

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

Christopher Woldrich
R. Ian Histed
Savino & Company

v. (24553)

The Mental Health Review Board (Man.)
Heather Leonoff
Wolch, Pinx, Tapper, Scurfield

FILING DATE 6.2.1995

Kenneth James Hunter
Shaun Nakatsuru
Nakatsuru & Doucette

v. (24552)

Her Majesty The Queen (Crim.)(Ont.)
Carol Brewer
Min. of A.G.

FILING DATE 6.2.1995

Michel Gendron
Robert Bélanger

c. (24555)

2968-1467 Québec Inc. (Qué.)
André Gingras

DATE DE PRODUCTION 6.2.1995

Society for Manitobans with Disabilities Inc.
Sandra Phillips
McCandless and Associates

v. (24556)

**Her Majesty The Queen in Right of the
Province of Manitoba (Man.)**
Ross Nugent, Q.C.
Thompson Dorfman Sweatman

FILING DATE 7.2.1995

**Ernst & Young Inc., in the capacity as Trustee in
Bankruptcy of Singer Lighting Inc.**

Symon Zucker
Danson, Zucker and Connelly

v. (24557)

Dylex Limited (Ont.)

Harold Margules
Baker & McKenzie

FILING DATE 8.2.1995

FEBRUARY 7, 1995 / LE

7 FÉVRIER 1995

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

Her Majesty the Queen

v. (24484)

Marwin G. (Crim.)(Ont.)

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.

PROCEDURAL HISTORY

October 28, 1992
Ontario Court (Provincial Division)
(Caney J.)

Conviction: one count of sexual assault and one count of gross indecency

September 8, 1994
Court of Appeal for Ontario
(Grange [dissenting], Galligan and
Arbour JJ.A)

Appeal allowed: convictions quashed and new trial ordered

December 22, 1994
Supreme Court of Canada

Application for leave to appeal filed

Harold Chalmers Funk, Kimberly Ann Sopinka and Cynthia Suzanne Funk

v. (24443)

Royal Bank of Canada (Ont.)

NATURE OF THE CASE

Commercial law - Banks and banking operations - Loans - Interest - Appeals - Procedure - Calculation of interest - Did Respondent Bank calculate interest on loans in such a way as to contravene s. 4 of the *Interest Act*, R.S.C. 1985, c. I-15 - Did Court of Appeal err in its procedure on the appeal - Did Court of Appeal err in dismissing appeal.

PROCEDURAL HISTORY

January 31, 1993
Ontario Court (General Division)
(McDonald J.)

Summary judgment for Respondent; Motion to set aside certificate of pending litigation dismissed; Transfer of land declared void

January 11, 1994
Court of Appeal for Ontario
(Brooke, Finlayson and Catzman JJ.A.)

Appeal allowed; Matter remitted to Ontario Court (General Division)

February 24, 1994
Ontario Court (General Division)
(Chadwick J.)

Summary judgment for Respondent; Transfer of land declared void

September 22, 1994
Court of Appeal for Ontario
(Houlden, Catzman and Carthy JJ.A.)

Appeal dismissed

November 16, 1994
Supreme Court of Canada

Application for leave to appeal filed

Kartar Basra

v. (24450)

Jaswant Singh Gill (B.C.)

NATURE OF THE CASE

Torts - Negligence - Defence of "inevitable accident" - Motor vehicle out of control on black ice, skidding and going into the ditch - Whether in an action for negligence, Canadian juries should no longer be charged with the so-called defence of "inevitable accident" as such a charge is confusing, unnecessary and unfair and could lead to error - Whether, if such a charge is permissible, it ought not to have succeeded in the circumstances of this case.

PROCEDURAL HISTORY

January 15, 1993
Supreme Court of British Columbia
(Houghton J.)

Action in negligence for injuries in motor vehicle
accident dismissed

September 12, 1994
Court of Appeal for British Columbia
(Cumming, Hollinrake and Goldie JJ.A.)

Appeal dismissed

December 1, 1994
Supreme Court of Canada

Application for leave to appeal filed

**Reddy Rajagopal Chavali, Reddy Rajagopal Chavali, in trust,
Reddy Krishnaveni Chavali, Reddy Krishnaveni Chavali, in trust
Venkata Subbarami Reddy Chavali, Sadana Corporation Ltd., in trust
Sadana Corporation Ltd., Vahini Holdings Ltd., 715048 Ontario Ltd in trust
715048 Ontario Ltd., Kshama Corporation in trust, Kshama Corporation,
Lyon Laurier Development Corporation, Lyon Laurier Place Development
in trust and Lyon Laurier Development**

v. (24461)

**Kanny NG, 862883 Ontario Ltd., in trust, 862883 Ontario Ltd.,
Majestic Key Management Ltd., Majestic Key Management Ltd., in trust,
Roy Nandrum, 862908 Ontario Ltd., Majestic Key Construction Ltd.
Majestic key Holding Corporation, Pump Restaurants Ltd.,
Majestic Key Development Inc, 230 Gloucester St. Ltd., Joanne Walker,
Growling Strathy and Henderson, Arthur Ault, Alicia Natividad,
Andridge Capital Co., George Gaty, Andrew Gaty, Richard Rose,
Château Royal Professional Building Inc., Cobit Co., First City Trust Co.,
Scott Aylen, Royal Trust Co. of Canada, Robert Gammon, Nelligan/Power,
David Chick, Ottawa-Carleton Brick Laying and Masonry Ltd Oliver Masonry Ltd.,
Peat, Marwick, Throne Inc., Samuel Talbert, Collette Talbert and
Canadian Imperial Bank of Commerce (Ont.)**

NATURE OF THE CASE

Procedural law - *Canadian Charter of Rights and Freedoms* - Actions - Costs - Judicial discretion - Whether the Court of Appeal erred in adopting the rule set out in *Landa v. Travellers Insurance Company 1937*, 2 W.W.R 72 that a court will stay an action where the costs of a previous action between the same parties remain unpaid - Whether the trial judge had the authority under section 106 of the *Court of Justice Act of Ontario* R.S.O. 1990 c. C 43 and Rule 21.01 (3)(d) of the Rules of Civil Procedure to grant a permanent stay of the action - Whether the Applicants' rights under ss. 7 and 15 of the *Charter* were breached.

PROCEDURAL HISTORY

August 26, 1993
Ontario Court (General Division)
(Cunningham J.)

Respondents' cross-motion to have action stayed
allowed; no further motions to be made by Applicants
without leave until all cost orders paid

May 2, 1994
Ontario Court (General Division)
(Cosgrove J.)

Action permanently stayed

October 17, 1994
Court of Appeal for Ontario
(Griffiths, Carthy and Arbour JJ.A.)

Appeal dismissed

December 15, 1994
Supreme Court of Canada

Application for leave to appeal filed

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

Dean Sebastian

v. (24457)

The Workers' Compensation Board (Sask.)

NATURE OF THE CASE

Labour law - Administrative law - Statutes - Interpretation - Jurisdiction - Judicial review - Workers' compensation - Respondent Workers' Compensation Board suspending the payment of compensation benefits to the Applicant during the period of time when he was incarcerated in a penitentiary - Whether the Court of Appeal erred in ruling that the Respondent had not fettered its discretion in dealing with the Applicant's claim - Whether the Court of Appeal erred in deciding that the Respondent acted within its jurisdiction to incorporate considerations of incarcerations of a worker into calculating loss of earning capacity, notwithstanding the express wording of ss. 68 and 69 of the *Workers' Compensation Act, 1979*, S.S. 1979, c. W-17.1 - Whether the Court of Appeal erred in asserting that the privative clause contained at s. 22(2) of the *Workers' Compensation Act, 1979*, was the only clause that was necessary to be considered in determining the issue of jurisdiction - Whether the Court of Appeal erred in its interpretation and application of the "patently unreasonable test" to the issue of the Respondent's interpretation and application of its legislation.

PROCEDURAL HISTORY

August 4
Court of Queen's Bench of Saskatchewan
(Noble J.)

Application for judicial review allowed

October 18, 1994
Court of Appeal for Saskatchewan
(Tallis, Cameron and Wakeling JJ.A.)

Appeal allowed

December 16, 1994
Supreme Court of Canada

Application for leave to appeal filed

James Karpziel

v. (24490)

Othelia R. Pelican (Ont.)

NATURE OF THE CASE

Family law - Division of property - Unjust enrichment - Rental property purchased by common law spouses with title in the name of the Respondent - Both parties contributed to the purchase price in unequal amounts - Both parties expended time and effort in improving premises - Respondent managed the rental business and operated the coin laundry - Court of Appeal found Applicant had 25 per cent and Respondent had 75 per cent interest in the equity and ordered judicial sale - Whether Court of Appeal erred in law by failing to apply the Applicant's proportionate share in the equity of the property to the income received by the Respondent from the date of separation to the date of the judicial sale.

PROCEDURAL HISTORY

June 3, 1993
Ontario Court (General Division)
(McNeely J.)

\$95,000 Judgment, Pre-judgment interest of \$41,406
awarded to Applicant and charge on the property

November 9, 1994
Court of Appeal for Ontario
(Finlayson, Doherty and Austin JJ.A.)

Appeal allowed

January 6, 1995
Supreme Court of Canada

Application for leave to appeal filed

The Gerber Scientific Instrument Company

v. (24449)

Bell-Northern Research Ltd. (Ont.)

NATURE OF THE CASE

Commercial law - Contract - Sale - Ontario *Sale of Goods Act*, R.S.O. 1990, c. S.1, s. 15 - Whether party could repudiate contract in circumstances.

PROCEDURAL HISTORY

December 2, 1991
Ontario Court of Justice (General Division)
(Desmarais J.)

Judgment for Gerber Scientific Instrument Co.;
counterclaim dismissed

October 5, 1994
Court of Appeal for Ontario
(Morden A.C.J.O., Arbour and Weiler
JJ.A.)

Appeal allowed; claim by Gerber Scientific Instrument
Co. dismissed and counterclaim by Bell-Northern
Research allowed

December 2, 1994
Supreme Court of Canada

Application for leave to appeal filed

**The College of Physicians and Surgeons of New Brunswick,
a body corporate**

v. (24488)

Dr. Francis W. Kenney (N.B.)

NATURE OF THE CASE

Labour law - Physicians and surgeons - Interpretation - Appeal - Applicant suspending Respondent's licence to practice medicine - Authority of a self-governing professional to monitor and investigate the professional activities of its members - Whether the Court of Appeal erred in holding that there had been no complaint in relation to the Respondent's fitness to practice - Whether the Court of Appeal erred in holding that the Applicant did not have the authority to perform a chart audit.

PROCEDURAL HISTORY

October 26, 1994
Court of Appeal for New Brunswick
(Ayles, Ryan and Turnbull JJ.A.)

Appeal allowed

December 22, 1994
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**

Lee Michael Whitley

v. (24438)

The United States of America (Crim.)(Ont.)

NATURE OF THE CASE

Criminal law - Extradition - *Canadian Charter of Rights and Freedoms*, ss. 6(1), 7 - Procedural law - Administrative law - Judicial review - Narcotics - Sentencing - Parole - Evidence - Whether the Court of Appeal erred in holding that surrender of the Applicant, given the mandatory minimum sentences applicable in the Requesting State, did not violate the Applicant's rights under s. 7 of the *Charter* - Whether the Court of Appeal erred in holding that the legal memoranda that went before the Minister of Justice was privileged - Whether the Court of Appeal erred in holding that the Applicant had received a copy or was told the substance of all of the government's material that went to the Minister - Whether the Court of Appeal erred in holding that the duty of fairness owed to the Applicant was not breached by the judgments of the extradition judge and the Minister of Justice - Whether the Court of Appeal erred in ruling that the decision to extradite instead of prosecute domestically was neither unreasonable nor a violation of the Applicant's rights under s. 6(1) of the *Charter*.

PROCEDURAL HISTORY

June 28, 1993 Ontario Court of Justice (General Division) (MacDonald J.)	Judgment committing the Applicant for extradition
November 2, 1994 Court of Appeal for Ontario (Arbour, Weiler and Laskin JJ.A.)	Appeal and application for judicial review dismissed
January 3, 1995 Supreme Court of Canada	Application for leave to appeal filed

Morgan Francis Hinchey

v. (24430)

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

NATURE OF THE CASE

Criminal law - Offences - Interpretation - *Criminal Code*, s. 121(1)(c) - Accepting "a commission, reward, advantage or benefit" - Nature of offence - What must be proved - Conduct of trial

PROCEDURAL HISTORY

March 13, 1992 Supreme Court of Newfoundland Trial Division	Convictions: fraud and accepting "a commission, reward, advantage or benefit,"
September 26, 1994 Supreme Court of Newfoundland Court of Appeal (Gushue, Marshall and Steele JJ.A.)	Appeal against fraud convictions allowed and new trial ordered; appeal against <i>Criminal Code</i> s. 121(1)(c) conviction dismissed
November 25, 1994 Supreme Court of Canada	Application for leave to appeal filed

Eddie Rohan McDowall

v. (24390)

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

NATURE OF THE CASE

Criminal law - Appeal - *Highway Traffic Act* - Plea of guilty to multiple counts of Driving While Licence Suspended, contrary to the *Highway Traffic Act* and other offences - Applicant sentenced to one year imprisonment and fined \$6,450.00 - Applicant's appeals dismissed - Applicant alleging that counsel appearing before Court of Appeal did not place pertinent matters before the Court.

PROCEDURAL HISTORY

September 24, 1993
Ontario Court of Justice (Provincial Division)
(Chang-Alloy J.P.)

Conviction: Seven counts of driving while licence suspended, two counts of unauthorized plates, and three counts of driving without insurance

October 22, 1993
Ontario Court of Justice (Provincial Division)

Provincial Offences Act appeals against sentence dismissed

November 26, 1993
Ontario Court of Justice (Provincial Division)

Provincial Offences Act appeals against conviction dismissed

December 24, 1993
Court of Appeal for Ontario
(Houlden J.A.)

Application for extension of time dismissed

October 31, 1994
Supreme Court of Canada

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

Ian Blue, Q.C.

v. (24393)

**Ontario Hydro, Ontario Energy Board Technical Staff, and
Independent Power Producers' Society of Ontario (Ont.)**

NATURE OF THE CASE

Administrative law - Law of professions - Barristers and solicitors - Energy - Judicial review - Interpretation - Ontario Energy Board rate hearings - Proper test for determining whether lawyer should be disqualified from acting by reason of conflict of interest - *MacDonald Estate v. Martin*, [1990] 3 S.C.R. 1235.

PROCEDURAL HISTORY

March 14, 1994
Ontario Energy Board
(C.L. Cottle, Presiding Member; C.A. Wolf
Jr., Member)

Motion to have the Applicant declared ineligible to act
as counsel for Technical Staff denied

April 25, 1994
Ontario Court of Justice (General Division)
(Montgomery J.)

Reasons for decision (April 18, 1994, order) allowing
application for judicial review and precluding the
Applicant from acting

September 13, 1994
Court of Appeal for Ontario
(Grange, McKinlay and Austin JJ.A.)

Order dismissing motion for leave to appeal

December 23, 1994
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**

La Fraternité des policiers de la Communauté urbaine de Montréal et Jacques Lavigne

c. (24445)

Communauté urbaine de Montréal et Me André Rousseau (Qué.)

NATURE DE LA CAUSE

Droit du travail - Droit administratif - Arbitrage - Contrôle judiciaire - Compétence - Congédiement - La décision de l'arbitre est-elle à ce point déraisonnable et absurde qu'elle constitue un déni de justice justifiant et obligeant même la Cour supérieure à intervenir? - Dans l'affirmative, la Cour d'appel devait-elle maintenir le jugement de première instance? - La Cour d'appel a-t-elle erré en déclarant que le juge de première instance avait simplement substitué son appréciation de la preuve à celle de l'arbitre?

HISTORIQUE PROCÉDURAL

Le 15 avril 1991
Cour supérieure du Québec
(Melançon j.c.s.)

Requête en évocation de la décision de l'arbitre
Rousseau, rejetant un grief à l'encontre d'un
congédiement, accueillie

Le 30 septembre 1994
Cour d'appel du Québec
(Beauregard, Deschamps et Delisle jj.c.a.)

Appel accueilli

Le 30 novembre 1994
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Le 30 décembre 1994
Cour suprême du Canada
(Iacobucci j.)

Requête en prorogation du délai pour le dépôt de la
demande accordée

Ali Gharavy

c. (24460)

Institut Philippe Pinel

et

Le Curateur public du Québec (Qué.)

NATURE DE LA CAUSE

Charte canadienne des droits et libertés de la personne - Code civil - Requête fondée sur l'article 19.4 du Code civil du Bas-Canada - Droit d'une personne atteinte de maladie mentale de refuser des traitements médicaux - Droit à l'inviolabilité de la personne - Droits à la liberté et à la sécurité prévus à l'article 7 de la Charte canadienne et à l'article 1 de la Charte des droits et libertés du Québec, L.R.Q., ch. C-12 - La décision de la Cour d'appel du Québec, à la majorité, remet-elle en cause l'exercice par les personnes atteintes de maladie mentale du droit à l'égalité prévu à l'article 15 de la Charte canadienne et du droit à l'inviolabilité de la personne, à la liberté et à la sécurité prévus à l'article 7 de la Charte canadienne et à l'article 1 de la Charte québécoise? - La Cour d'appel, à la majorité, a-t-elle bien apprécié la question du fardeau de preuve dans une requête en autorisation de traitement et de l'application de la présomption d'aptitude par les tribunaux? - La Cour d'appel a-t-elle, après avoir conclu à l'inaptitude du demandeur, apprécié correctement les critères du Code civil du Bas-Canada en autorisant un traitement d'une durée de deux ans? - La Cour d'appel était-elle justifiée d'intervenir en substituant son opinion à celle du juge de première instance sur des questions de faits et d'appréciation de la preuve en l'absence d'erreur manifeste du juge de première instance et ce, contrairement à la jurisprudence constante de la Cour suprême du Canada sur ce sujet?

HISTORIQUE PROCÉDURAL

APPLICATIONS FOR LEAVE
SUBMITTED TO COURT SINCE LAST ISSUE

REQUÊTES SOUMISES À LA COUR DEPUIS
LA DERNIÈRE PARUTION

Le 27 mai 1993
Cour supérieure du Québec
(Mercure, J.C.S.)

Requête de l'intimé en autorisation de traitement (art.
19.4 du *Code civil du Bas-Canada*) rejetée

Le 17 octobre 1994
Cour d'appel du Québec
(Beauregard, Delisle et
Steinberg [dissident], J.J.C.A.)

Appel de l'intimé accueilli

Le 15 décembre 1994
Cour suprême du Canada

Demande d'autorisation d'appel déposée

Gilles Patenaude

c. (24415)

Procureur général du Québec (Qué.)

NATURE DE LA CAUSE

Procédure - Procédure civile - Exception déclinatoire - Action directe en nullité - Contestation de la validité des articles 73 et 105 du *Code de la sécurité routière*, L.R.Q., ch. C-24.2, permettant à la Société de l'assurance automobile d'exiger des titulaires de permis de conduire pour certaines classes de véhicules de subir un examen médical avant d'autoriser le renouvellement de leur permis - *Charte des droits et libertés de la personne*, L.R.Q., ch. C-12 -La Cour d'appel a-t-elle commis une erreur en accueillant la requête en irrecevabilité de l'intimé?

HISTORIQUE PROCÉDURAL

Le 19 novembre 1991
Cour supérieure
(Chabot, J.C.S.)

Requête de l'intimé en irrecevabilité de l'action directe
en nullité intentée par le demandeur accueillie

Le 26 octobre 1994
Cour d'appel du Québec
(Proulx, Rousseau-Houle
et Chamberland, J.J.C.A.)

Appel du demandeur rejeté

Le 18 novembre 1994
Cour suprême du Canada

Demande d'autorisation d'appel déposée

**Jean-Claude Gaucher, George Woods, Denis Dubois, Léo Desfossés,
Claude Bergeron, Benoit Chaperon, Léo Boislard,
Gaston Bisson, Cécile Hamelin, Marcel Beaulieu**

c. (24441)

J.M. Asbestos Inc. (Qué.)

NATURE DE LA CAUSE

Droit du travail - Droit administratif - Arbitrage - Convention collective - Compétence - Contrôle judiciaire - Calcul de l'ancienneté - Erreur manifestement déraisonnable - Droit de surveillance et de réforme de la Cour supérieure - Le juge de la Cour supérieure était-il juridiquement bien fondé de conclure que l'arbitre a excédé sa juridiction en appliquant une convention collective échue au moment des mises à pied ou au moment du dépôt des griefs présentés par les demandeurs et refusé d'appliquer la règle de droit reconnue dans l'affaire *Hémond c. Syndicat des travailleurs (euses) de l'Abattoir de Princeville*, [1989] 2 R.C.S. 962?

HISTORIQUE PROCÉDURAL

Le 12 octobre 1990
Cour Supérieure du Québec
(Péloquin j.c.s.)

Requête en révision judiciaire de la sentence de l'arbitre
accueillie

Le 3 octobre 1994
Cour d'Appel du Québec
(Beauregard, Proulx et Delisle jj.c.a.)

Appel rejeté

Le 28 novembre 1994
Cour Suprême du Canada

Demande d'autorisation d'appel

FEBRUARY 9, 1995 / LE 9 FÉVRIER 1995

24376 **RANDY REMINGTON - v. - HER MAJESTY THE QUEEN** (F.C.A.)

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

Taxation - Assessment - Inducement to enter into a lease of a office building - Whether the payment was a non-taxable receipt or income from a business - To what extent must a Court consider the economic substance on the transaction, generally accepted accounting principles and commonly accepted business and commercial practices in determining the taxation year in which the amount must be reported.

24294 **UNITED STATES FIRE INSURANCE CO. v. TRI-SERVICE MACHINE LTD. and TRI-SERVICE OILFIELD MANUFACTURING LTD.** (Alta.)

CORAM: La Forest, Sopinka 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 - Statutes - Interpretation - Insurance - Limitation of actions - Respondents claiming indemnity against Applicant insurer - Statutory conditions of Part 5 of the *Insurance Act*, R.S.A. 1980, c. I-5, printed in insurance policy - Whether the Court of Appeal erred in its interpretation of the provisions of the *Insurance Act* relating to the applicability of statutory conditions - Whether the Court of Appeal erred in its characterization of the insurance policy.

24044 **LAMY DOMINIQUE c. MARK ABRAMOWITZ** (Qué.)

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

La requête de réexamen de la demande d'autorisation d'appel est rejetée avec dépens.

The request for a rehearing of the application for leave to appeal is dismissed with costs.

3.2.1995

Before / Devant: THE REGISTRAR

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

Compagnie Minière Québec Cartier

c. (23960)

Les Métallurgistes Unis d'Amérique, Local 6869

ACCORDÉE / GRANTED Délai prorogé au 13 janvier 1995.

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

Avec le consentement des parties.

6.2.1995

Before / Devant: CHIEF JUSTICE LAMER

Motion to state a constitutional question

Town of Lac La Biche

v. (24413)

Her Majesty The Queen in Right of Alberta (Alta.)

Requête pour énoncer une question constitutionnelle

With the consent of the parties.

GRANTED / ACCORDÉE Notices of intention to intervene are to be filed no later than March 10, 1995.

1. Do the boundaries of the electoral divisions established in Part 3 of the *Electoral Divisions Statutes Amendment Act, 1993* infringe or deny rights or freedoms guaranteed by the *Canadian Charter of Rights and Freedoms*?
 2. If so, in what particulars?
 3. If so, is such infringement or denial justified by Section 1 of the *Canadian Charter of Rights and Freedoms*?

 1. Les limites des circonscriptions électorales fixées à la partie 3 de l'*Electoral Divisions Statutes Amendment Act, 1993*, portent-elles atteintes aux droits ou libertés garantis par la *Charte canadienne des droits et libertés*?
 2. Dans l'affirmative, à quels égards?
 3. Dans l'affirmative, cette atteinte est-elle justifiée par l'article premier de la *Charte canadienne des droits et libertés*?
-

7.2.1995

Before / Devant: SOPINKA J.

**Motions to extend the time for leave to intervene
and for leave to intervene**

BY/PAR: Attorney General for Ontario

IN/DANS: Derik Christopher Lord

v. (23943)

Her Majesty The Queen (B.C.)

**Requêtes en prorogation du délai pour la
demande d'autorisation et demande
d'autorisation d'intervention**

Robert Morrow for the motion.

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

W.G. Burke-Robertson, Q.C., for the respondent.

GRANTED / ACCORDÉES Oral argument is limited to 15 minutes.

6.2.1995

CORAM: CHIEF JUSTICE LAMER AND LA FOREST, L'HEUREUX-DUBÉ, SOPINKA, GONTHIER, CORY,
McLACHLIN, IACOBUCCI AND MAJOR JJ.**(VIDEO CONFERENCE - EDMONTON)**

ORAL HEARING ON LEAVE TO APPEAL

Her Majesty The Queen

v. (24252)

John Richard Adams (Crim.)(Alta.)

GRANTED / ACCORDÉE

**TENUE D'UNE AUDIENCE SUR LA
DEMANDE D'AUTORISATION D'APPEL**

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

Philip G. Lister, Q.C., for the respondent
(Edmonton).

6.2.1995

CORAM: CHIEF JUSTICE LAMER AND LA FOREST, L'HEUREUX-DUBÉ, SOPINKA, GONTHIER, CORY, McLACHLIN, IACOBUCCI AND MAJOR JJ.

MOTION TO QUASH

**MOTION TO AMEND THE APPLICATION
FOR LEAVE TO APPEAL**

Her Majesty The Queen

v. (24296)

James Keegstra

- and between -

James Keegstra

v.

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

RESERVED / EN DÉLIBÉRÉ

7.2.1995

Before / Devant: SOPINKA J.

REQUÊTE EN ANNULATION

**REQUÊTE POUR AMENDER LA DEMANDE
D'AUTORISATION D'APPEL**

Jack Watson, Q.C., for the motion to quash.

Douglas Christie, for the motion to amend the
application for leave to appeal.

Requête en autorisation d'intervention

BY/PAR: 94697 Canada Inc., et al.

IN/DANS: Richard Dubois

c. (23993)

Raymond, Chabot, Fafard, Gagnon
Inc. (Qué.)**Motion for leave to intervene**

William Hesler, c.r., pour la requête.

Robert Tessier pour l'intimée.

Richard Wagner pour l'appelant.

ACCORDÉE / GRANTED Plaidoiries devant être déterminées par la Cour lors de l'audition de l'appel.

7.2.1995

Before / Devant: SOPINKA J.

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

Kenneth James Hunter

v. (24552)

Her Majesty The Queen (Ont.)

GRANTED / ACCORDÉE Time extended to February 6, 1995.

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

With the consent of the parties.

7.2.1995

Before / Devant: CHIEF JUSTICE LAMER

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

David John Cooper

v. (24135)

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

GRANTED / ACCORDÉE

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

With the consent of the parties.

7.2.1995

Before / Devant: CHIEF JUSTICE LAMER

Motion to extend the time in which to state constitutional questions

Requête en prorogation du délai pour énoncer des questions constitutionnelles

Noel Edwin Bell

With the consent of the parties.

v. (24134)

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

GRANTED / ACCORDÉE

6.2.1995

Before / Devant: SOPINKA J.

Motion for a stay of execution

Hagop Artinian

v. (24534)

Muriel Micaela Marie Louise De Toledo (Qué.)

GRANTED / ACCORDÉE

Requête en vue de surseoir à l'exécution

Julius Grey for the motion.

Muriel Micaela Marie Louise De Toledo in person.

SOPINKA J. -- This is an application under s. 65.1 of the *Supreme Court Act*, R.S.C., 1985, c. S-26, for an order of interim release of the applicant who has applied for leave to appeal an order committing him to prison for a period of four months for failure to obey a judgment of the Superior Court of Quebec.

The applicant was found to have failed to pay a sum of \$25,000.00 on account of arrears of support payments. Briefly, the history of the proceedings is as follows. On July 31, 1991, Bishop J. rendered judgment against the applicant ordering payment of, *inter alia*, support payments. On May 7, 1992, the applicant was found in contempt by Zerbisias J. of the Superior Court, District of Montreal, and sentenced to four months in prison provided that he was to be released on payment of the sum in arrears. The applicant appealed to the Court of Appeal and, pending appeal, was released on his own recognizance pursuant to the *Code of Civil Procedure*, apparently on the basis that this was a civil contempt. The applicant appealed to the Court of Appeal which dismissed his appeal and affirmed the judgment of Zerbisias J.

Pending appeal and for a period of over one year, the applicant did not make any attempt to abscond nor did he pose a threat to the respondent. During the argument the respondent, who appeared in person, raised the question of criminal proceedings which she had brought against the applicant but no material was filed to support this allegation and I was advised that the charge was dismissed. There is nothing in any of the judgments to support the view that the applicant's continued incarceration is justified because he poses a risk to the respondent. In any event, this is in no way the purpose of the applicant's incarceration. In this regard, it is significant that the applicant's imprisonment can be terminated on payment of the sum in arrears.

I am satisfied that the criteria for an order under s. 65.1 of the *Supreme Court Act* have been met as recently reaffirmed in *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 S.C.R. 311. There is a serious question raised by the appeal, irreparable harm is manifest and the balance of convenience clearly favours the applicant. There is, however, no specific legislative provision for this Court to grant bail. In criminal cases, orders for interim release on appeal this Court are dealt with under s. 679 of the *Criminal Code*. This proceeding, however, in origin and character is a civil contempt, and arguably the *Criminal Code* provisions do not apply. Although disobedience of an order issued in a civil proceeding may in certain circumstances constitute a criminal contempt, I doubt that this is such a case. See *United Nurses of Alberta v. Alberta (Attorney General)*, [1992] 1 S.C.R. 901.

LE JUGE SOPINKA -- Il s'agit ici d'une demande d'ordonnance de mise en liberté provisoire faite, en vertu de l'art. 65.1 de la *Loi sur la Cour suprême*, L.R.C. (1985), ch. S-26, par le requérant, qui a demandé une autorisation de pourvoi contre une ordonnance le condamnant à quatre mois d'emprisonnement pour refus de se conformer à un jugement de la Cour supérieure du Québec.

Le requérant a omis de payer une somme de 25 000 \$ d'arriérés de pension alimentaire. En bref, l'historique des procédures est le suivant. Le 31 juillet 1991, le juge Bishop a rendu un jugement contre le requérant, lui ordonnant de payer, entre autres, une pension alimentaire. Le 7 mai 1992, une décision d'outrage au tribunal a été rendue contre le requérant par le juge Zerbisias de la Cour supérieure du district de Montréal, et il a été condamné à une peine de quatre mois d'emprisonnement prévoyant qu'il serait libéré s'il versait la somme due. Le requérant a interjeté appel à la Cour d'appel et, en attendant l'audition de l'appel, il a été libéré sur son propre engagement en conformité avec le *Code de procédure civile*, apparemment pour le motif qu'il s'agissait d'un outrage civil. Le requérant a interjeté appel à la Cour d'appel, qui a rejeté son appel et confirmé la décision du juge Zerbisias.

En attendant l'audition de l'appel et pendant plus d'un an, le requérant n'a pas tenté de s'enfuir et n'a pas constitué une menace pour l'intimée. Au cours des plaidoiries, l'intimée, qui a comparu personnellement, a mentionné la question des procédures criminelles qu'elle avait intentées contre le requérant, mais aucun document n'a été déposé pour confirmer cette affirmation et on me dit que l'accusation a été rejetée. Rien dans les jugements n'appuie l'opinion que l'incarcération du requérant est justifiée parce qu'il constitue une menace pour l'intimée. Quoi qu'il en soit, ce n'est pas du tout là la raison de son incarcération. À cet égard, il est significatif qu'il puisse être mis fin à l'incarcération du requérant s'il verse les arriérés.

Je suis convaincu qu'il a été satisfait aux critères justifiant une ordonnance aux termes de l'art. 65.1 de la *Loi sur la Cour suprême*, qui ont été confirmés récemment dans l'arrêt *RJR--MacDonald Inc. c. Canada (Procureur général)*, [1994] 1 R.C.S. 311. Le pourvoi soulève une question grave, le préjudice irréparable est manifeste et la prépondérance des inconvénients favorise nettement le requérant. Cependant, il n'y a aucune disposition législative précise en vertu de laquelle notre Cour pourrait accorder une mise en liberté sous caution. Dans les instances criminelles, c'est l'art. 679 du *Code criminel*, L.R.C. (1985), ch. C-46, qui régit les ordonnances de mise en liberté provisoire qui sont portées en appel devant notre Cour. Toutefois, la procédure qui nous occupe est un outrage civil de par son origine et sa nature et on pourrait soutenir que les dispositions du *Code criminel* ne s'appliquent pas. Bien que la désobéissance à une ordonnance rendue dans des procédures civiles puissent, dans certains cas, constituer un outrage

It would appear, therefore, that the only firm basis upon which interim release can be ordered by this Court in the circumstances is under s. 65.1. In this regard, I note that in *Poje v. A.G.*, (B.C.) (16 October 1952) and *Cotroni v. La Commission de Police du Québec* (18 February 1975), this Court has in the past ordered interim release under s. 65 of the *Act*. In my view, in light of the reach of s. 65, as explained in *MacDonald, supra*, there is ample scope under s. 65.1 for this type of order.

Accordingly, the applicant is released until a decision is made on the application for leave to appeal and, if granted, until the appeal is disposed of. In the event that the application for leave to appeal or the appeal is dismissed, the applicant shall surrender to the warden of the prison in which he is presently confined. I am also persuaded by the respondent that as a further condition of this order, the applicant is not to exercise his right of access to the children of the marriage under the judgment of Bishop J. during the period of interim release. The application for leave is to be expedited. Costs of the application in the appeal.

criminel, je doute que tel soit le cas en l'espèce. Voir *United Nurses of Alberta c. Alberta (Procureur général)*, [1992] 1 R.C.S. 901.

Par conséquent, il semble que le seul fondement sur lequel notre Cour pourrait ordonner une mise en liberté provisoire dans les circonstances est l'art. 65.1. À cet égard, je remarque que dans *Poje c. A.G.*, (C.-B.) (16 octobre 1952), et *Cotroni c. Commission de police du Québec* (18 février 1975), notre Cour a déjà ordonné des mises en liberté provisoires en vertu de l'art. 65 de la Loi. À mon avis, compte tenu de la portée de l'art. 65, telle qu'elle est expliquée dans l'arrêt *MacDonald*, précité, la portée de l'art. 65.1 est suffisamment large pour permettre ce genre d'ordonnance.

En conséquence, le requérant est mis en liberté jusqu'à ce qu'une décision soit rendue quant à la demande d'autorisation de pourvoi et, si elle est accordée, jusqu'à ce que le pourvoi soit tranché. Dans le cas où la demande d'autorisation de pourvoi ou le pourvoi serait rejeté, le requérant devra se rapporté au gardien de la prison où il est actuellement détenu. L'intimée m'a également convaincu de fixer comme condition additionnelle de la présente ordonnance que, pendant la période de sa mise en liberté provisoire, le requérant ne devra pas exercer le droit de visite des enfants du mariage que lui accordait la décision du juge Bishop. La demande d'autorisation de pourvoi devra être accélérée. Dépens de la demande à suivre.

8.2.1995

Before / Devant: SOPINKA J.

Requête en vue de surseoir à l'exécution**Motion for a stay of execution**

Syndicat National des employés de l'Hôpital
St-Ferdinand et al.

c. (24511)

Le Curateur public et al. (Qué.)

ACCORDÉE / GRANTED La requête en sursis telle que demandée est accordée sans frais.

8.2.1995

Before / Devant: SOPINKA 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**

Michael Charles Ambrose, et al.

With the consent of the parties.

v. (24530)

Her Majesty The Queen (Ont.)

GRANTED / ACCORDÉE Time extended to January 23, 1995.

3.2.1995

James Lee Brydon

v. (24554)

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

AS OF RIGHT

6.2.1995

Susie Adler et al.

v. (24347)

**Her Majesty The Queen in Right of Ontario et al.
(Ont.)**

8.2.1995

Battlefords and District Co-Operative Ltd.

v. (24342)

Betty-Lu Clara Gibbs et al. (Sask.)

9.2.1995

Joseph Ronald Jacques et al.

v. (24558)

**Her Majesty The Queen in Right of Canada
(Crim.)(N.B.)**

AS OF RIGHT

**NOTICES OF INTERVENTION FILED
SINCE LAST ISSUE**

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

BY/PAR: Attorney General of Canada

IN/DANS: **Jonathan Pulker**

v. (24171)

Macmillan Bloedel Limited (Crim.)(B.C.)

**APPEALS HEARD SINCE LAST ISSUE
AND DISPOSITION**

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

3.2.1995

CORAM The Chief Justice Lamer and Sopinka, Gonthier, Cory, McLachlin, Iacobucci and Major JJ.

Deborah Simpson

Derek J. Hogan for the appellant.

v. (24099)

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

Wayne Gorman for the respondent.

THE CHIEF JUSTICE (orally) -- With respect, we are all of the view that there was no reason for interfering with the exercise of discretion by the trial judge. The appeal is therefore allowed and the stay entered by the trial judge is restored.

LE JUGE EN CHEF (oralement) -- En toute déférence, nous sommes tous d'avis qu'il n'y avait aucun motif de s'ingérer dans l'exercice du pouvoir discrétionnaire du juge du procès. Le pourvoi est donc accueilli et l'arrêt des procédures inscrit par le juge du procès est rétabli.

3.2.1995

CORAM

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

Chang-Jie Chen

v. (23984)

**Minister of Employment and Immigration, et al.
(F.C.A.)(Ont.)**

RESERVED / EN DÉLIBÉRÉ

Nature of the case:

Administrative Law - Immigration - Appeal - Judicial
Review - Discretion vested in a visa officer under
subsection 11(3) of the *Immigration Regulations*,
1978.

Cecil L. Rotenberg, Q.C., Andrew Z. Wlodika, Mary
Lam, and C. Kurata for the appellant.

Urszula Kaczmarczyk and Donald A. MacIntosh for
the respondents.

Nature de la cause:

Droit administratif - Immigration - Appel - Contrôle
judiciaire - Pouvoir discrétionnaire conféré à un
agent des visas au par. 11(3) du *Règlement sur
l'immigration de 1978*.

WEEKLY AGENDA

ORDRE DU JOUR DE LA SEMAINE

AGENDA for the week beginning February 13, 1995.
ORDRE DU JOUR pour la semaine commençant le 13 février 1995.

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

**CUMULATIVE INDEX -
APPLICATIONS FOR LEAVE TO
APPEAL**

**INDEX CUMULATIF - REQUÊTES
EN AUTORISATION DE POURVOI**

This index includes applications for leave to appeal standing for judgment at the beginning of 1995 and all the applications for leave to appeal filed or heard in 1995 up to now.

Cet index comprend les requêtes en autorisation de pourvoi en délibéré au début de 1995 et toutes celles produites ou entendues en 1995 jusqu'à maintenant.

*01 Refused/Refusée	*A Applications for leave to appeal filed/Requêtes en autorisation de pourvoi produites
*02 Refused with costs/Refusée avec dépens	*B Submitted to the Court/Soumises à la Cour
*03 Granted/Accordée	*C Oral Hearing/Audience
*04 Granted with costs/Accordée avec dépens	*D Reserved/En délibéré
*05 Discontinuance filed/Désistement produit	

CASE/AFFAIRE	Status/ Statut Page	Disposition/ Résultat	
<i>Accurpress Manufacturing Ltd. v. Stoddard</i> (B.C.), 23882, *A		2282(93)	
<i>Adler (Ralph) v. The Queen</i> (F.C.A.)(Ont.), 24341, *01 26.1.95		1770(94)	133(95)
<i>Adler (Susie) v. The Queen</i> (Ont.), 24347, *03 2.2.95		1844(94)	248(95)
<i>Affeldt v. The Queen</i> (Crim.)(Ont.), 24429, *B		122(95)	
<i>Allam c. Nessia Investments Ltd.</i> (Qué.), 23168, *A		2048(92)	
<i>Allard c. Commission des valeurs mobilières</i> (Qué.), 24483, *A		3(95)	
<i>Ambrose v. The Queen</i> (Crim.)(Ont.), 24530, *A		113(95)	
<i>Armada Lines Ltd. v. Chaleur Fertilizers Ltd.</i> (F.C.A.)(Ont.), 24351, *B		29(95)	
<i>Associated Respiratory Services Inc. v. Purchasing Commission</i> (B.C.), 24366, *B		25(95)	
<i>Atlantic Communication and Technical Workers' Union v. Maritime Telegraph and Telephone Co.</i> (N.S.), 24506, *A		112(95)	
<i>Atlific (Nfld.) Ltd. v. Hotel Buildings Ltd.</i> (Nfld.), 24313, *02 26.1.95 1682(94)		132(95)	
<i>Attorney General of Canada v. Royal Canadian Mounted Police Public Complaints Commission</i> (F.C.A.)(N.B.), 24319, *02 2.2.95		1844(94)	247(95)
<i>B.K. v. The Queen</i> (Crim.)(Sask.), 24357, *03 2.2.95		1959(94)	256(95)
<i>Bachman v. Garden</i> (Sask.), 24544, *A		230(95)	
<i>Baker Energy Resources Corporation v. Reading & Bates Construction Co.</i> (F.C.A.)(Ont.), 24458, *A		1(95)	
<i>Baroni v. The Queen</i> (N.S.), 23439, *A		478(93)	
<i>Barsalou v. The Queen</i> (Crim.)(Alta.), 24498, *A		6(95)	
<i>Basra v. Gill</i> (B.C.), 24450, *B		293(95)	
<i>Bate Equipment Ltd. v. Ellis-Don Ltd.</i> (Alta.), 24396, *B		31(95)	
<i>Battlefords and District Co-operative Ltd. v. Gibbs</i> (Sask.), 24342, *03 2.2.95		1775(94)	247(95)
<i>Bennett v. Kynock</i> (N.S.), 24299, *01 2.2.95		1627(94)	245(95)
<i>Blue v. Ontario Hydro</i> (Ont.), 24393, *B		299(95)	
<i>Bluebird Footwear Inc. c. General Motors Acceptance Corporation of Canada</i> (Qué.), 24386, *A		1764(94)	
<i>Bober v. The Queen</i> (Crim.)(Ont.), 24455, *B		118(95)	
<i>Boma Manufacturing Ltd. v. Canadian Imperial Bank of Commerce</i> (B.C.), 24520, *A		112(95)	
<i>Bouchard c. La Reine</i> (Crim.)(Qué.), 24512, *A		112(95)	
<i>Bourbonnière c. Bureau d'expertise des assureurs Ltée</i> (Qué.), 24452, *B		241(95)	
<i>Bouvillons Canada Ltée c. Labbé</i> (Qué.), 24550, *A		290(95)	
<i>Brault c. Fontaine</i> (Qué.), 23953, *A		196(94)	
<i>Brotherhood of Locomotive Engineers c. Picher</i> (Qué.), 24541, *A		229(95)	
<i>Brousseau c. Stewart-Wolf</i> (Qué.), 24407, *02 26.1.95		19(95)	129(95)
<i>Burden v. Scurry-Rainbow Oil Ltd.</i> (Alta.), 24405, *B		18(95)	
<i>Camani v. The Queen</i> (Crim.)(Ont.), 24369, *B		9(95)	
<i>Canadian Association of Fire Bomber Pilots v. Government of Saskatchewan</i> (Sask.), 24214, *02 2.2.95		1313(94)	254(95)
<i>Canadian Broadcasting Corporation v. Attorney General for New Brunswick</i> (N.B.), 24305, *B		1847(94)	

<i>Canadian Broadcasting Corporation v. Attorney General of the province of Saskatchewan</i> (Crim.)(Sask.), 23738, *02 12.1.95	1797(93)	34(95)
<i>Canadian National Railway Co. v. The Queen</i> (F.C.A.)(Ont.), 24340, *02 26.1.95 1771(94)	133(95)	
<i>Canadian Pacific Ltd. v. Brotherhood of Maintenance of Way Employees Canadian Pacific System Federation</i> (B.C.), 24317, *B	1683(94)	
<i>Canadian Pacific Ltd. v. The Queen</i> (F.C.A.)(B.C.), 24315, *02 26.1.95	1771(94)	133(95)
<i>Centre communautaire juridique de l'Estrie c. Ville de Sherbrooke</i> (Qué.), 24425, *B	243(95)	
<i>Chaba v. The Queen</i> (Crim.)(Alta.), 24380, *01 19.1.95	1849(94)	42(95)
<i>Chan v. Cheung</i> (Alta.), 24527, *A	113(95)	
<i>Charlebois v. Amalgamated Transit Union Local 279</i> (F.C.A.), 24219, *02 12.1.95	1323(94)	37(95)
<i>Chavali v. Ng</i> (Ont.), 24461, *B	294(95)	
<i>City of Dartmouth v. Pay Equity Commission</i> (N.S.), 24447, *B	234(95)	
<i>Cloutier c. Ferland</i> (Qué.), 24349, *02 26.1.95	1846(94)	131(95)
<i>College of Physicians and Surgeons of New Brunswick v. Kenney</i> (N.B.), 24488, *B	297(95)	
<i>Commission des droits de la personne du Québec c. Commission scolaire régionale Chauveau</i> (Qué.), 24291, *02 2.2.95	1561(94)	254(95)
<i>Commission scolaire de la Jonquière c. Syndicat du personnel de soutien de Jonquière</i> (Qué.), 24338, *02 26.1.95	1767(94)	128(95)
<i>Commission scolaire les Écores c. Syndicat de l'enseignement de la région des Mille-Îles</i> (Qué.), 24456, *A	1(95)	
<i>Commonwealth Investors Syndicate Ltd. v. Laxton</i> (B.C.), 24353, *B	124(95)	
<i>Compagnie de la Baie d'Hudson c. Ferland</i> (Qué.), 24482, *A	4(95)	
<i>Construction Amtron Inc. c. Corbeil</i> (Qué.), 22562, *A	1783(91)	
<i>Coopers & Lybrand Ltd. v. Bruncor Leasing Inc.</i> (N.S.), 24279, *02 19.1.95	1511(94)	40(95)
<i>Coopers & Lybrand Ltd. v. The Queen in right of Canada</i> (F.C.A.)(N.S.), 24329, *02 26.1.95	1955(94)	130(95)
<i>Corporation municipale de la ville de Bécancour c. Enfouï-Bec Inc.</i> (Qué.), 24422, *B	127(95)	
<i>Country Music Television Inc. v. Canadian Radio-Television and Telecommunications Commission and MH Radio/Rawlco Partnership</i> (F.C.A.)(Ont.), 24477, *02 26.1.95	32(95)	130(95)
<i>Courtcliffe Parks Ltd. v. Hamilton Wentworth Credit Union</i> (Ont.), 24106, *02 2.2.95	1857(94)	251(95)
<i>Couture (Jacynthe) c. Gagnon</i> (Qué.), 24491, *A	5(95)	
<i>Couture (Richard) c. La Reine</i> (Crim.)(Qué.), 24392, *01 26.1.95	1960(94)	135(95)
<i>Crews v. The Queen</i> (Crim.)(Alta.), 24521, *A	113(95)	
<i>Cross v. The Queen</i> (Crim.)(Ont.), 24371, *B	11(95)	
<i>Crown Parking Co. v. City of Calgary</i> (Alta.), 24377, *B	1850(94)	
<i>D & B Companies of Canada Ltd. v. Director of Investigation and Research</i> (F.C.A.)(Ont.), 24423, *B	1957(94)	
<i>D.G.R. v. K.L.V.</i> (B.C.), 24365, *B	1859(94)	
<i>D.M. v. The Queen</i> (Crim.)(Ont.), 24462, *B	115(95)	
<i>D'Amato v. Badger</i> (B.C.), 24364, *B	14(95)	
<i>D'Amore Construction (Windsor) Ltd. v. The Queen</i> (Ont.), 24372, *B	13(95)	
<i>David Hunt Farms Ltd. v. Minister of Agriculture</i> (F.C.A.)(Ont.), 24281, *02 2.2.95	1511(94)	249(95)
<i>DeCoste v. The Queen</i> (Crim.)(Ont.), 24306, *B	8(95)	
<i>Desaulniers c. La Reine</i> (Crim.)(Qué.), 24356, *01 19.1.95	1772(94)	40(95)
<i>Devereaux v. Morrow</i> (Ont.), 23798, *A	2068(93)	
<i>Dewald v. The Queen</i> (Crim.)(Ont.), 24363, *03 2.2.95	1774(94)	247(95)
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<i>Dow Corning Corporation v. Hollis</i> (B.C.), 23776		270(95)	
<i>Dunn v. The Queen</i> (Crim.)(Ont.), 24041, *03 L'Heureux-Dubé J. dissenting 27.1.95		1700(94)	150(95)
<i>Durish v. White Resource Management Ltd.</i> (Alta.), 23483		1533(94)	
<i>Egan v. The Queen</i> (F.C.A.)(Ont.), 23636		1701(94)	
<i>Halcrow v. The Queen</i> (Crim.)(B.C.), 23542, *01 27.1.95		266(95)	266(95)
<i>Hibbert v. The Queen</i> (Crim.)(Ont.), 23815		266(95)	
<i>Imperial Tobacco Ltd. c. Attorney General of Canada</i> (Qué.), 23490		1871(94)	
<i>Jobin v. The Queen</i> (Crim.)(Alta.), 23190		368(94)	
<i>Laporte v. The Queen</i> (Crim.)(Man.), 24140, *01 27.1.95		266(95)	266(95)
<i>Maksymec v. Botiuk</i> (Ont.), 23519		1920(94)	
<i>Matsqui Indian Band v. Canadian Pacific Ltd.</i> (F.C.A.)(Ont.), 23643, *02 L'Heureux-Dubé, Sopinka, Gonthier and Iacobucci JJ. dissenting 26.1.95		1586(94)	149(95)
<i>Mayfield Investments Ltd. v. Stewart</i> (Alta.), 23739, *04 26.1.95		1588(94)	150(95)
<i>Miron v. Trudel</i> (Ont.), 22744		967(94)	
<i>Neuzen v. Korn</i> (B.C.), 23773		271(95)	
<i>O'Connor v. The Queen</i> (Crim.)(B.C.), 24114		269(95)	
<i>O'Leary v. The Queen</i> (Ont.), 23928		1917(94)	
<i>Piluke v. The Queen</i> (Crim.)(B.C.), 24070, *01 31.1.95		268(95)	268(95)
<i>Primeau v. The Queen</i> (Crim.)(Sask.), 23613		368(94)	
<i>R. v. Bernshaw</i> (Crim.)(B.C.), 23748, *03 7.10.94		1585(94)	1585(94) & 152(95)
<i>R. v. Lepage</i> (Crim.)(Ont.), 23974		1791(94)	
<i>R. v. McIntosh</i> (Crim.)(Ont.), 23843		1869(94)	
<i>R. v. Park</i> (Crim.)(Alta.), 23876		1919(94)	
<i>R. c. Thibaudeau</i> (C.A.F.)(Qué.), 24154		1531(94)	
<i>RJR -- MacDonald Inc. c. Attorney General of Canada</i> (Qué.), 23460		1871(94)	
<i>R.J.S. v. The Queen</i> (Crim.)(Ont.), 23581, *01 2.2.95		368(94)	272(95)
<i>Richard B. v. Children's Aid Society of Metropolitan Toronto</i>			595(94) &

(Ont.), 23298, *01 17.3.94	464(94)	151(95)
<i>Shaw Cable Systems B.C. v. B.C. Telephone Co. (F.C.A.)(B.C.),</i> 23717	145(95)	
<i>Silveira v. The Queen (Crim.)(Ont.),</i> 24013	1758(94)	
<i>Siska Indian Band v. Canadian Pacific Ltd. (F.C.A.)(Ont.),</i> 23643	1586(94)	
<i>Simpson v. The Queen (Crim.)(Nfld.),</i> 24099, *03 3.2.95	314(95)	314(95)
<i>St. Pierre v. The Queen (Crim.)(Ont.),</i> 23518	1915(94)	
<i>Telecommunications Workers Union v. Canadian Radioi-Television and</i> <i>Telecommunications Commission (F.C.A.)(Ont.),</i> 23778	145(95)	
<i>United Steelworkers of America, Local 9332 v. Richard (N.S.),</i> 23621	965(94)	
<i>Vout v. Hay (Ont.),</i> 24009	148(95)	
<i>Weber v. Ontario Hydro (Ont.),</i> 23401	1918(94)	
<i>Winnipeg Condominium Corporation No. 36 v. Bird Construction Co.</i> <i>(Man.),</i> 23624, *03 26.1.95	1587(94)	149(95)
<i>Workers' Compensation Board v. Husky Oil Operations Ltd. (Sask.)</i> 23936	147(95)	

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 : **March 6, 1995**
 Service : February 13, 1995
 Filing : February 20, 1995
 Respondent : February 27, 1995

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

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 : **6 mars 1995**
 Signification : 13 février 1995
 Dépôt : 20 février 1995
 Intimé : 27 février 1995

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

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

DEADLINES: APPEALS

The next session of the Supreme Court of Canada commences on April 24, 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 April 1995 Session on February 28, 1995.

DÉLAIS: APPELS

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

Le 28 février 1995, le registraire met au rôle de la session d'avril 1995 tous les appels inscrits pour audition.