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| **SUPREME COURT OF CANADA** |  | **COUR SUPRÊME DU CANADA** |
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| BULLETIN OF  PROCEEDINGS |  | BULLETIN DES  PROCÉDURES |
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October 4, 2019 1 - 7 Le 4 octobre 2019

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| NOTICE  Case summaries included in the Bulletin are prepared by the Office of the Registrar of the Supreme Court of Canada (Law Branch) for information purposes only.  AVIS  Les résumés des causes publiés dans le bulletin sont préparés par le Bureau du registraire (Direction générale du droit) uniquement à titre d’information. |

Applications for leave submitted to the Court since the last issue /   
Demandes soumises à la Cour depuis la dernière parution

**SEPTEMBER 30, 2019 / LE 30 SEPTEMBRE 2019**

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| --- | --- | --- | --- | --- |
|  |  | **CORAM: Chief Justice Wagner and Rowe and Kasirer JJ.**  **Le juge en chef Wagner et les juges Rowe et Kasirer** | | |
|  |  | Criminal / Criminelle |  |  |
| 1. | 38568 | Margaret Strang  (Ont.) (Criminelle) (Autorisation) | c. | Sa Majesté la Reine du chef de l’Ontario |
|  |  | Civil / Civile |  |  |
| 2. | 38692 | Kimberly Y. Fawcett  (F.C.) (Civil) (By Leave) | v. | Attorney General of Canada |
| 3. | 38721 | Tiffany Peters  (Ont.) (Civil) (By Leave) | v. | John Chasty Principal, et al. |
| 4. | 38636 | Byeongheon Lee  (Ont.) (Civil) (By Leave) | v. | Canadian Tire Centre, et al. |
| 5. | 38749 | Darla-Jean O’Rourke  (F.C.) (Civil) (By Leave) | v. | Attorney General of Canada |
|  |  | **CORAM: Abella, Karakatsanis and Brown JJ.**  **Les juges Abella, Karakatsanis et Brown** | | |
|  |  | Criminal / Criminelle |  |  |
| 6. | 38708 | Wesley Quash  (Y.T.) (Criminal) (By Leave) | v. | Her Majesty the Queen |
| 7. | 38767 | Her Majesty the Queen  (B.C.) (Criminal) (By Leave) | v. | Kyler Ryan David Williams |
|  |  | Civil / Civile |  |  |
| 8. | 38704 | Feng Yun Shao, also known Shao Feng Yun, also known as Amy Barsha Washington  (B.C.) (Civil) (By Leave) | v. | Mei Zhen Wang |
| 9. | 38697 | Mary Ann Parker and Stephen Colville-Reeves, in their capacity as Estate Trustees of the Estate of David Colville-Reeves  (Ont.) (Civil) (By Leave) | v. | Canadian Home Publishers Inc., in its capacity as the General Partner of Canadian Home Publishers |
| 10. | 38667 | Pieter Adriaan Vandenberg, et al.  (Ont.) (Civil) (By Leave) | v. | Robert Wilken, et al. |
|  |  | **CORAM: Moldaver, Côté and Martin JJ.**  **Les juges Moldaver, Côté et Martin** | | |
|  |  | Criminal / Criminelle |  |  |
| 11. | 38718 | Golam Mehedi  (Ont.) (Criminal) (By Leave) | v. | Her Majesty the Queen in Right of Ontario |
| 12. | 38748 | Golam Mehedi  (Ont.) (Criminal) (By Leave) | v. | Her Majesty the Queen |
|  |  | Civil / Civile |  |  |
| 13. | 38756 | Donald Walter McCargar  (Alta.) (Civil) (By Leave) | v. | Métis Settlements Land Registry, et al. |
| 14. | 38713 | Yvonne Montague  (Ont.) (Civil) (By Leave) | v. | Toronto Transit Commission |

Motions /   
Requêtes

**SEPTEMBER 30, 2019 / LE 30 SEPTEMBRE 2019**

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| **Motion for leave to file a reply factum** | **Requête en autorisation de déposer un mémoire en réplique** |

**DAVID MATTHEWS v. OCEAN NUTRITION CANADA LIMITED**

(N.S.) (38252)

**MARTIN J.:**

**UPON APPLICATION** by the appellant for an order granting leave to serve and file a single reply factum to the interveners and for leave to serve and file a two-paragraph supplementary submission on this appeal;

**AND NOTING** the request for additional time for oral argument by the Canadian Association for Counsel to Employers;

**AND THE MATERIAL FILED** having been read;

**IT IS HEREBY ORDERED THAT:**

The motion is granted in part.

The appellant is permitted to serve and file a single reply factum to the interveners not exceeding 5 pages no later than October 2, 2019.

The motion for leave to serve and file a supplementary submission is dismissed.

The request for an additional five minutes of oral argument by the Canadian Association for Counsel to Employers is denied.

**À LA SUITE DE LA DEMANDE** présentée par l’appelant pour obtenir l’autorisation de signifier et déposer un seul mémoire en réplique aux intervenants et de signifier et déposer un mémoire supplémentaire de deux paragraphes dans le présent pourvoi;

**ET COMPTE TENU** de la requête sollicitant une prolongation de la plaidoirie de l’Association canadienne des avocats d’employeurs;

**ET APRÈS EXAMEN** des documents déposés;

**IL EST ORDONNÉ CE QUI SUIT :**

La requête est accueillie en partie.

L’appelant est autorisé à signifier et déposer un seul mémoire en réplique aux intervenants d’au plus 5 pages au plus tard le 2 octobre 2019.

La requête sollicitant l’autorisation de signifier et déposer un mémoire supplémentaire est rejetée.

La requête sollicitant une prolongation de cinq minutes de la plaidoirie orale de l’Association canadienne des avocats d’employeurs est rejetée.

**SEPTEMBER 30, 2019 / LE 30 SEPTEMBRE 2019**

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| **Motion to extend time and Notice of miscellaneous motion** | **Requête en prorogation de délai et Avis de requête diverse** |

**NORMAN ELI LARUE v. HER MAJESTY THE QUEEN**

(Y.T.) (38224)

**CORAM: ABELLA, MOLDAVER, KARAKATSANIS, CÔTÉ AND BROWN JJ.**

**UPON APPLICATION** by the appellant for an order extending the time to serve and file a motion for a re-hearing and to amend the judgment, and for an order, pursuant to Rules 76 and 81 of the *Rules of the Supreme Court of Canada*, permitting a re-hearing of the appeal and amending the judgment of this Court dated April 23, 2019;

**AND THE MATERIALS FILED** having been read;

**IT IS HEREBY ORDERED THAT:**

The motion for an extension of time is granted.

The motion for a re-hearing and to amend the judgment is dismissed.

**À LA SUITE DE LA DEMANDE** présentée par l’appelant pour obtenir la prorogation du délai de signification et de dépôt d’une requête en nouvelle audition et en modification de jugement et pour obtenir, conformément aux art. 76 à 81 des *Règles de la Cour suprême du Canada*, une nouvelle audition d’appel et une modification du jugement de la Cour daté du 23 avril 2019;

**ET APRÈS EXAMEN** des documents déposés;

**IL EST ORDONNÉ CE QUI SUIT :**

La requête en prorogation de délai est accueillie.

La requête en nouvelle audition d’appel et en modification de jugement est rejetée.

Pronouncements of reserved appeals /   
Jugements rendus sur les appels en délibéré

**OCTOBER 4, 2019 / LE 4 OCTOBRE 2019**

**38087 Randolph (Randy) Fleming v. Her Majesty The Queen in Right of the Province of Ontario, Provincial Constable Kyle Miller of the Ontario Provincial Police, Provincial Constable Rudy Bracnik of the Ontario Provincial Police, Provincial Constable Jeffrey Cudney of the Ontario Provincial Police, Provincial Constable Michael C. Courty of the Ontario Provincial Police, Provincial Constable Steven C. Lorch of the Ontario Provincial Police, Provincial Constable R. Craig Cole of the Ontario Provincial Police and Provincial Constable S. M. (Shawn) Gibbons of the Ontario Provincial Police - and - Attorney General of Canada, Attorney General of Quebec, Canadian Civil Liberties Association, Criminal Lawyers’ Association (Ontario), Canadian Association of Chiefs of Police, Canadian Association for Progress in Justice and Canadian Constitution Foundation** (Ont.)

**2019 SCC 45 / 2019 CSC 45**

Coram: Wagner C.J. and Abella, Moldaver, Côté, Brown, Rowe and Martin JJ.

The appeal from the judgment of the Court of Appeal for Ontario, Number C62876, 2018 ONCA 160, dated February 16, 2018, heard on March 21, 2019, is allowed. The order of the Ontario Court of Appeal is set aside and the trial judge’s order is restored. Costs are awarded throughout: costs in this Court and the agreed-upon trial and appeal costs of $151,000 and $48,000 respectively.

L’appel interjeté contre l’arrêt de la Cour d’appel de l’Ontario, numéro C62876, 2018 ONCA 160, daté du 16 février 2018, entendu le 21 mars 2019, est accueilli. L’ordonnance de la Cour d’appel de l’Ontario est annulée et celle de la juge du procès est rétablie. Les dépens sont accordés devant toutes les cours, à savoir ceux devant cette Cour, ainsi que ceux pour le procès et l’appel, dont les parties ont convenu, soit 151 000 $ et 48 000 $ respectivement.

[LINK TO REASONS](https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/17947/index.do) / [LIEN VERS LES MOTIFS](https://decisions.scc-csc.ca/scc-csc/scc-csc/fr/item/17947/index.do)

***- 2019 -***

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| **OCTOBER – OCTOBRE** | | | | | | |  | **NOVEMBER – NOVEMBRE** | | | | | | |  | **DECEMBER – DÉCEMBRE** | | | | | | |
| **S**  **D** | **M**  **L** | **T**  **M** | **W**  **M** | **T**  **J** | **F**  **V** | **S**  **S** |  | **S**  **D** | **M**  **L** | **T**  **M** | **W**  **M** | **T**  **J** | **F**  **V** | **S**  **S** |  | **S**  **D** | **M**  **L** | **T**  **M** | **W**  **M** | **T**  **J** | **F**  **V** | **S**  **S** |
|  |  | **RH**  1 | 2 | 3 | 4 | 5 |  |  |  |  |  |  | 1 | 2 |  | 1 | **CC**  2 | 3 | 4 | 5 | 6 | 7 |
| 6 | **CC**  7 | 8 | **YK**  9 | 10 | 11 | 12 |  | 3 | **CC**  4 | 5 | 6 | 7 | 8 | 9 |  | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 13 | **H**  14 | 15 | 16 | 17 | 18 | 19 |  | 10 | **H**  11 | 12 | 13 | 14 | 15 | 16 |  | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |  | 17 | 18 | 19 | 20 | 21 | 22 | 23 |  | 22 | 23 | 24 | **H**  25 | **H**  26 | 27 | 28 |
| 27 | 28 | 29 | 30 | 31 |  |  |  | 24 | 25 | 26 | 27 | 28 | 29 | 30 |  | 29 | 30 | 31 |  |  |  |  |

***- 2020 -***

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| **JANUARY – JANVIER** | | | | | | |  | **FEBRUARY – FÉVRIER** | | | | | | |  | **MARCH – MARS** | | | | | | |
| **S**  **D** | **M**  **L** | **T**  **M** | **W**  **M** | **T**  **J** | **F**  **V** | **S**  **S** |  | **S**  **D** | **M**  **L** | **T**  **M** | **W**  **M** | **T**  **J** | **F**  **V** | **S**  **S** |  | **S**  **D** | **M**  **L** | **T**  **M** | **W**  **M** | **T**  **J** | **F**  **V** | **S**  **S** |
|  |  |  | **H**  1 | 2 | 3 | 4 |  |  |  |  |  |  |  | 1 |  | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |  | 2 | 3 | 4 | 5 | 6 | 7 | 8 |  | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 12 | **CC**  13 | 14 | 15 | 16 | 17 | 18 |  | 9 | **CC**  10 | 11 | 12 | 13 | 14 | 15 |  | 15 | **CC**  16 | 17 | 18 | 19 | 20 | 21 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |  | 16 | 17 | 18 | 19 | 20 | 21 | 22 |  | 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 26 | 27 | 28 | 29 | 30 | 31 |  |  | 23 | 24 | 25 | 26 | 27 | 28 | 29 |  | 29 | 30 | 31 |  |  |  |  |
| **APRIL – AVRIL** | | | | | | |  | **MAY – MAI** | | | | | | |  | **JUNE – JUIN** | | | | | | |
| **S**  **D** | **M**  **L** | **T**  **M** | **W**  **M** | **T**  **J** | **F**  **V** | **S**  **S** |  | **S**  **D** | **M**  **L** | **T**  **M** | **W**  **M** | **T**  **J** | **F**  **V** | **S**  **S** |  | **S**  **D** | **M**  **L** | **T**  **M** | **W**  **M** | **T**  **J** | **F**  **V** | **S**  **S** |
|  |  |  | 1 | 2 | 3 | 4 |  |  |  |  |  |  | 1 | 2 |  |  | 1 | 2 | 3 | 4 | 5 | 6 |
| 5 | 6 | 7 | 8 | 9 | **H**  10 | 11 |  | 3 | 4 | 5 | 6 | 7 | 8 | 9 |  | 7 | **CC**  8 | 9 | 10 | 11 | 12 | 13 |
| 12 | **H**  13 | **CC**  14 | 15 | 16 | **GO**  17 | **GO**  18 |  | 10 | **CC**  11 | 12 | 13 | 14 | 15 | 16 |  | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| **GO**  19 | **GO**  20 | 21 | 22 | 23 | 24 | 25 |  | 17 | **H**  18 | 19 | 20 | 21 | 22 | 23 |  | 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 26 | 27 | 28 | 29 | 30 |  |  |  | 24 /  31 | 25 | 26 | 27 | 28 | 29 | 30 |  | 28 | 29 | 30 |  |  |  |  |
| **JULY – JUILLET** | | | | | | |  | **AUGUST – AOÛT** | | | | | | |  | **SEPTEMBER – SEPTEMBRE** | | | | | | |
| **S**  **D** | **M**  **L** | **T**  **M** | **W**  **M** | **T**  **J** | **F**  **V** | **S**  **S** |  | **S**  **D** | **M**  **L** | **T**  **M** | **W**  **M** | **T**  **J** | **F**  **V** | **S**  **S** |  | **S**  **D** | **M**  **L** | **T**  **M** | **W**  **M** | **T**  **J** | **F**  **V** | **S**  **S** |
|  |  |  | **H**  1 | 2 | 3 | 4 |  |  |  |  |  |  |  | 1 |  |  |  | 1 | 2 | 3 | 4 | 5 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |  | 2 | **H**  3 | 4 | 5 | 6 | 7 | 8 |  | 6 | **H**  7 | 8 | 9 | 10 | 11 | 12 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |  | 9 | 10 | 11 | 12 | 13 | 14 | 15 |  | 13 | 14 | 15 | 16 | 17 | 18 | **RH**  19 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |  | 16 | 17 | 18 | 19 | 20 | 21 | 22 |  | **RH**  20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 26 | 27 | 28 | 29 | 30 | 31 |  |  | 23 /  30 | 24 /  31 | 25 | 26 | 27 | 28 | 29 |  | 27 | **YK**  28 | 29 | 30 |  |  |  |

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| **Sitting of the Court /**  **Séance de la Cour** |  | **18 sitting weeks / semaines séances de la Cour**  **86 sitting days / journées séances de la Cour** | **Rosh Hashanah / Nouvel An juif**  **Yom Kippur / Yom Kippour** | **RH**  **YK** |
| **Court conference /**  **Conférence de la Cour** | **CC** | **9 Court conference days /**  **jours de conférence de la Cour** | **Greek Orthodox Easter / Pâques orthodoxe grecque** | **GO** |
| **Holiday / Jour férié** | **H** | **4 holidays during sitting days /**  **jours fériés durant les séances** |  |  |