

SUPREME COURT OF CANADA -- JUDGMENTS IN LEAVE APPLICATIONS
OTTAWA, 15/3/01. THE SUPREME COURT OF CANADA HAS TODAY RENDERED
JUDGMENT IN THE FOLLOWING APPLICATIONS FOR LEAVE TO APPEAL.
FROM: SUPREME COURT OF CANADA (613) 995-4330

COUR SUPRÊME DU CANADA -- JUGEMENTS SUR DEMANDES D'AUTORISATION
OTTAWA, 15/3/01. LA COUR SUPRÊME DU CANADA A RENDU JUGEMENT
AUJOURD'HUI DANS LES DEMANDES D'AUTORISATION D'APPEL SUIVANTES.
SOURCE: COUR SUPRÊME DU CANADA (613) 995-4330

28062 **HER MAJESTY THE QUEEN IN RIGHT OF CANADA, AS REPRESENTED BY THE
MINISTER OF NATIONAL REVENUE - v. - FIRST VANCOUVER FINANCE** (Sask.) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

28165 **DUBREUIL BROTHERS EMPLOYEES ASSOCIATION, A DIVISION OF IWA CANADA,
LOCAL 2693 - v. - LONDON LIFE INSURANCE COMPANY, DUBREUIL FOREST
PRODUCTS LIMITED, MICHAEL BENDEL** (Ont.) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for leave to appeal is dismissed with costs to London Life Insurance Company.

La demande d'autorisation d'appel est rejetée avec dépens en faveur de la compagnie d'assurance London Life.

28081 **MICHAEL MONAGHAN - v. - WILLIAM CHESHER, LISA CHESHER** (Ont.) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for leave to appeal is dismissed with costs to William Chesher and Lisa Chesher.

La demande d'autorisation d'appel est rejetée avec dépens en faveur de William Chesher et Lisa Chesher.

27989 **LE PROCUREUR GÉNÉRAL DU CANADA, EN SA QUALITÉ DE REPRÉSENTANT DE SA
MAJESTÉ LA REINE DU CHEF DU CANADA, L'ADMINISTRATEUR FÉDÉRAL NOMMÉ
EN VERTU DU CHAPITRE 22 DE LA CONVENTION DE LA BAIE JAMES ET DU NORD
QUÉBÉCOIS ET CHRISTINE STEWART, EN SA QUALITÉ DE MINISTRE DE
L'ENVIRONNEMENT DU CANADA, JANE STEWART, EN SA QUALITÉ DE MINISTRE
DES AFFAIRES INDIENNES ET DU NORD CANADIEN ET JOHN MANLEY, EN SA
QUALITÉ DE MINISTRE DE L'OFFICE FÉDÉRAL DE DÉVELOPPEMENT RÉGIONAL
- QUÉBEC, DAVID M. COLLENETTE, EN SA QUALITÉ DE MINISTRE DES
TRANSPORTS - c. - MARIO LORD, CHEF JOHN KITCHEN, CHEF GEORGE
WAPACHEE, CHEF DR. BILLY DIAMOND, ANCIEN CHEF WILLIAM MIANSUM,
CHEF KENNY LOON, CHEF ABEL BOSUM, GRAND CHEF MATTHEW COON COME,
VIOLET PACHANOS, LA NATION CRIE DE WASWANAPI (BANDE), LA PREMIÈRE
NATION DE WASKAGANISH (BANDE), LA PREMIÈRE NATION DE NEMASKA
(BANDE), LA NATION CRIE DE MISTISSINI, LA NATION CRIE D'OUJÉ-BOUGOUMOU,
LE GRAND CONSEIL DES CRIS (EEYOU ISTCHEE) (GRAND CONSEIL DES CRIS (DU**

QUÉBEC)), ADMINISTRATION RÉGIONALE CRIE, CREE TRAPPERS' ASSOCIATION, EDWARD GILPIN, LE PROCUREUR GÉNÉRAL DU QUÉBEC, L'ADMINISTRATEUR PROVINCIAL NOMMÉ EN VERTU DU CHAPITRE 22 DE LA CONVENTION DE LA BAIE JAMES ET DU NORD QUÉBÉCOIS, L'HONORABLE PAUL BÉGIN, L'HONORABLE GUY CHEVRETTE (MAINTENANT L'HONORABLE JACQUES BRASSARD) EN SA QUALITÉ DE MINISTRE DES RESSOURCES NATURELLES, LA SOCIÉTÉ DE DÉVELOPPEMENT DE LA BAIE JAMES, REXFOR, DOMTAR INC., PRODUITS FORESTIERS DONOHUE INC.(LAQUELLE INCLUT LA COMPAGNIE ANCIENNEMENT CONNUE COMME PRODUITS FORESTIERS SAUCIER INC.) ET BISSON ET BISSON INC., BARRETTE-CHAPAIS LTÉE ET FOURNITURES MINIÈRES SIMARD INC., TEMBEC INC., NORMICK-PERRON INC., LES INDUSTRIES NORBORD INC., PRODUITS FORESTIERS ALLIANCE INC., OPTIBOIS INC.(ANCIENNEMENT CONNUE COMME 2541-3998 QUÉBEC INC. (PRÉCIBOIS)) ET COMPAGNIE INTERNATIONALE DE PAPIER DU CANADA, LES CHANTIERS DE CHIBOUGAMAU LTÉE, ABITIBI-CONSOLIDATED INC. (ANCIENNEMENT CONNUE COMME COMPAGNIE STONE-CONSOLIDATED ET COMME ABITIBI-PRICE ET COMME CONSOLIDATED BATHURST), MATÉRIAUX BLANCHET INC., SCIERIE AMOS INC., SCIERIE GALLICHAN INC., SCIERIE LANDRIENNE INC., SCIERIE SENCOLTÉE, FILIFOR INC., IPB INTERNATIONAL INC., PANNEAUX CHAMBORD INC., LE GROUPE FOREX INC. ET FOREX INC., BOIS KMS (GMI) LTÉE, KRUGER INC., HOWARD - BIENVENUE INC. (Qué.) (Civile)

CORAM: Le Juge en chef et les juges Iacobucci et Bastarache

La demande d'audition orale et la demande d'autorisation d'appel sont rejetées avec dépens à Mario Lord, Chef John Kitchen, Chef George Wapachee, Chef Dr. Billy Diamond, Ancien Chef William Mianscum, Chef Kenny Loon, Chef Abel Bosum, Grand Chef Matthew Coon Come, Violet Pachanos, La nation crie de Waswanipi (bande), La Première Nation de Waskaganish (bande), La Première Nation de Nemaska (bande), La Nation crie de Mistissini, La Nation crie d'Oujé-Bougoumou, Le Grand conseil des Cris (Eeyou Istchee) (Grand conseil des Cris (du Québec)), Administration régionale crie, Cree Trappers' Association et Edward Gilpin.

The application for an oral hearing and the application for leave to appeal are dismissed with costs to Mario Lord, Chief John Kitchen, Chief George Wapachee, Chief Dr. Billy Diamond, Former Chief William Mianscum, Chief Kenny Loon, Chief Abel Bosum, Grand Chief Matthew Coon Come, Violet Pachanos, The Cree Nation of Waswanipi (Band), The Waskaganis First Nation (Band), The Nemaska First Nation (Band), The Cree Nation of Mistissini (Band), The Oujé-Bougoumou Cree Nation, The Grand Council of the Crees (Eeyou Istchee) (Grand Council of the Crees of Quebec), The Cree Regional Authority, Cree Trappers' Association and Edward Gilpin.

28060

MARIO LORD, CHIEF JOHN KITCHEN, CHIEF GEORGE WAPACHEE, CHIEF DR. BILLY DIAMOND, FORMER CHIEF WILLIAM MIANSUM, CHIEF KENNY LOON, CHIEF ABEL BOSUM, GRAND CHIEF MATTHEW COON COME, VIOLET PACHANOS, THE CREE NATION OF WASWANUPI, THE NEMASKA FIRST NATION, THE WASKAGANISH FIRST NATION (BAND), THE CREE NATION OF MISTISSINI (BAND), THE OUJÉ-BOUGOUMOU CREE NATION, THE GRAND COUNCIL OF THE CREES (EYYOU ISTCHEE) (GRAND COUNCIL OF THE CREES (OF QUEBEC), THE CREE REGIONAL AUTHORITY, CREE TRAPPERS' ASSOCIATION, EDWARD GILPIN, ALLAN SAGANASH SR., CHRISTINE JOLLY SAGANASH AND CHIEF GEORGE WAPACHEE - v. - THE ATTORNEY GENERAL OF QUÉBEC, THE PROVINCIAL ADMINISTRATOR UNDER SECTION 22 OF THE JAMES BAY AND NORTHERN QUEBEC AGREEMENT AND THE HONOURABLE PAUL BÉGIN, MINISTER OF THE ENVIRONMENT, THE HONOURABLE GUY CHEVRETTE (NOW THE HONOURABLE JACQUES BRASSARD, IN HIS CAPACITY AS MINISTER OF NATURAL RESOURCES), THE ATTORNEY-GENERAL OF CANADA, THE FEDERAL ADMINISTRATOR UNDER SECTION 22 OF THE JAMES BAY AND NORTHERN QUÉBEC AGREEMENT, THE HONOURABLE CHRISTINE STEWART, THE HONOURABLE JANE STEWART, THE HONOURABLE JOHN MANLEY AND THE HONOURABLE DAVID M. COLLENETTE,

JAMES BAY DEVELOPEMENT CORPORATION, REXFOR, DOMTAR INC., PRODUITS FORESTIERS DONOHUE INC., BISSON ET BISSON INC., BARRETTE-CHAPAIS LTD. AND FOURNITURES MINIÈRES SIMARD INC., TEMBEC INC., NORMICK-PERRON INC., LES INDUSTRIES NORBORD INC., PRODUITS FORESTIERS ALLIANCE INC., COMPAGNIE INTERNATIONALE DE PAPIER DU CANADA, SCIERIE LANDRIENNE INC., FILIFOR INC. AND MATÉRIAUX BLANCHET INC., OBTIBOIS INC. (FORMERLY KNOWN AS 2541-3998 QUÉBEC INC. (PRÉCIBOIS), LES CHANTIERS DE CHIBOUGAMAU LTÉE, SCIERIE AMOS INC., SCIERIE GALLICHAN INC. AND SCIERIE SENCO LTD., IPB INTERNATIONAL INC., PANNEAUX CHAMBORD INC., LE GROUPE FOREX INC. AND FOREX INC., ABITIBI-CONSOLIDATED INC. (FORMERLY KNOWN AS STONE-CONSOLIDATED CORPORATION AND AS ABITIBI-PRICE AND AS CONSOLIDATED BATHURST), KRUGER INC. (Que.) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for leave to appeal is dismissed with costs to the Attorney General of Quebec.

La demande d'autorisation d'appel est rejetée avec dépens en faveur de la procureure générale du Québec.

28074

MARIO LORD, CHIEF JOHN KITCHEN, CHIEF GEORGE WAPACHEE, CHIEF DR. BILLY DIAMOND, FORMER CHIEF WILLIAM MIANSUM, CHIEF KENNY LOON, CHIEF ABEL BOSUM, GRAND CHIEF MATTHEW COON COME, VIOLET PACHANOS, THE CREE NATION OF WASWANUPI, THE NEMASKA FIRST NATION, THE WASKAGANISH FIRST NATION (BAND), THE CREE NATION OF MISTISSINI, THE OUJÉ-BOUGOUMOU CREE NATION, THE GRAND COUNCIL OF THE CREES (EYOU ISTCHEE) (GRAND COUNCIL OF THE CREES (OF QUÉBEC), THE CREE REGIONAL AUTHORITY, CREE TRAPPERS' ASSOCIATION, EDWARD GILPIN - v. - THE ATTORNEY GENERAL OF QUÉBEC, THE PROVINCIAL ADMINISTRATOR UNDER SECTION 22 OF THE JAMES BAY AND NORTHERN QUEBEC AGREEMENT AND THE HONOURABLE PAUL BÉGIN, THE HONOURABLE GUY CHEVRETTE (NOW THE HONOURABLE JACQUES BRASSARD, IN HIS CAPACITY AS MINISTER OF NATURAL RESOURCES), JAMES BAY DEVELOPEMENT CORPORATION, REXFOR, DOMTAR INC., PRODUITS FORESTIERS DONOHUE INC., BISSON ET BISSON INC., BARRETTE-CHAPAIS LTD. AND FOURNITURES MINIÈRES SIMARD INC., TEMBEC INC., NORMICK-PERRON INC., LES INDUSTRIES NORBORD INC., PRODUITS FORESTIERS ALLIANCE INC., OPTIBOIS INC. (FORMERLY KNOWN AS 2541-3998 QUÉBEC INC. (PRÉCIBOIS), COMPAGNIE INTERNATIONALE DE PAPIER DU CANADA, SCIERIE LANDRIENNE INC., FILIFOR INC., MATÉRIAUX BLANCHET INC., LES CHANTIERS DE CHIBOUGAMAU LTD., ABITIBI-CONSOLIDATED INC. (FORMERLY KNOWN AS STONE-CONSOLIDATED CORPORATION AND AS ABITIBI-PRICE AND AS CONSOLIDATED BATHURST), SCIERIE AMOS INC., SCIERIE GALLICHAN INC. AND SCIERIE SENCO LTD., IPB INTERNATIONAL INC., PANNEAUX CHAMBORD INC., LE GROUPE FOREX INC. AND FOREX INC., BOIS KMS (GMI) LTD., KRUGER INC., HOWARD - BIENVENUE INC. (Que.) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for leave to appeal is dismissed with costs to the Attorney General of Quebec, the Provincial Administrator Under Section 22 of the James Bay and Northern Quebec Agreement and the Honourable Paul Bégin, the Honourable Guy Chevrette (now the Honourable Jacques Brassard, in his capacity as Minister of Natural Resources), Domtar Inc., Produits Forestiers Donohue Inc., Bisson et Bisson Inc.

La demande d'autorisation d'appel est rejetée avec dépens à la procureure générale du Québec, l'Administrateur provincial nommé en vertu du chapitre 22 de la Convention de la Baie James et du Nord Québécois et l'honorable Paul Bégin, l'honorable Guy Chevrette (maintenant l'honorable Jacques Brassard, ès qualités de ministre des Ressources

naturelles), Domtar Inc., Produits Forestiers Donohue Inc., Bisson et Bisson Inc.

27887 **GERALD MICHAEL VAUGHAN - v. - HER MAJESTY THE QUEEN, ADMINISTRATOR OF THE PENETANGUISHENE MENTAL HEALTH CENTRE - and between - GERALD MICHAEL VAUGHAN - v. - HER MAJESTY THE QUEEN, ADMINISTRATOR OF THE PENETANGUISHENE MENTAL HEALTH CENTRE - and between - GERALD MICHAEL VAUGHAN - v. - HER MAJESTY THE QUEEN, ADMINISTRATOR OF THE PENETANGUISHENE MENTAL HEALTH CENTRE - and between - GERALD MICHAEL VAUGHAN - v. - HER MAJESTY THE QUEEN, ADMINISTRATOR OF THE PENETANGUISHENE MENTAL HEALTH CENTRE, ONTARIO REVIEW BOARD** (Ont.) (Criminal)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The applications for an extension of time are granted and the applications for leave to appeal are dismissed.

Les demandes de prorogation de délai sont accordées et les demandes d'autorisation d'appel sont rejetées.

28285 **SULLVIE POOLE - v. - HER MAJESTY THE QUEEN** (B.C.) (Criminal)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for an 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.

28097 **GREYHOUND CANADA TRANSPORTATION CORP. - v. - MARIUSZ BRZOWSKI AND KAZIMIERZ KOWASLKI, THE WORKERS COMPENSATION BOARD** (B.C.) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for leave to appeal is dismissed with costs.

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

28133 **METRO-CAN CONSTRUCTION LTD. - v. - HER MAJESTY THE QUEEN** (FC) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for leave to appeal is dismissed with costs.

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

28134 **FARM BUREAU MUTUAL INSURANCE COMPANY - v. - GINGER M. BERG, A MINOR, BY HER LITIGATION GUARDIAN, ELEANOR S. BERG** (Ont.) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for leave to appeal is dismissed with costs.

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

28148 **VICTOR EUGENE CAINE - v. - HER MAJESTY THE QUEEN** (B.C.) (Criminal)

CORAM: L'Heureux-Dubé, Arbour and LeBel JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

28026 **DAVID MALMO-LEVINE - v. - HER MAJESTY THE QUEEN** (B.C.) (Criminal)

CORAM: L'Heureux-Dubé, Arbour and LeBel JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

28189 **CHRISTOPHER JAMES CLAY - v. - HER MAJESTY THE QUEEN** (Ont.) (Criminal)

CORAM: L'Heureux-Dubé, Arbour and LeBel JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

28287 **NOVOPHARM LTD. - v. - THE WELLCOME FOUNDATION LIMITED, GLAXO WELLCOME INC., APOTEX INC., INTERPHARM INC. AND ALLEN BARRY SHECHTMAN - and between - APOTEX INC. - v. - THE WELLCOME FOUNDATION LIMITED, GLAXO WELLCOME INC., NOVOPHARM LTD.** (FC) (Civil)

CORAM: L'Heureux-Dubé, Arbour and LeBel JJ.

The applications for leave to appeal are granted with costs to the applicant Novopharm Ltd. in any event of the cause.

Les demandes d'autorisation d'appel sont accordées avec dépens en faveur de la demanderesse Novopharm Ltd. quelle que soit l'issue du pourvoi.

28027 **LE GROUPE FOREX INC. ET LOUISIANA-PACIFIC CANADA LTD. - c. - LE PROCUREUR GÉNÉRAL DU QUÉBEC** (Qué.) (Civile)

CORAM: Les juges L'Heureux-Dubé, Arbour et LeBel.

La demande d'autorisation d'appel est rejetée.

The application for leave to appeal is dismissed.

27851 **SCOTTISH & YORK INSURANCE CO. LTD. - v. - PEARL SOMERSALL, GWENDOLYN SOMERSALL AND JANICE SOMERSALL** (Ont.) (Civil)

CORAM: L'Heureux-Dubé, Arbour and LeBel JJ.

The application for leave to appeal is granted with costs to the applicant in any event of the cause.

La demande d'autorisation d'appel est accordée avec dépens en faveur de la demanderesse quelle que soit l'issue du pourvoi.

28191 **LUCIEN E. BERNIER - c. - COMMISSION DE LA SANTÉ, DE LA SÉCURITÉ ET DE L'INDEMNISATION DES ACCIDENTS AU TRAVAIL DU NOUVEAU-BRUNSWICK** (N.-B.) (Civile)

CORAM: Les juges L'Heureux-Dubé, Arbour et LeBel.

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

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

28116 **RON ARCHIBALD, EDWIN CAWKWELL, WILLIAM COOPER, RICK DOBRANSKI, DARREL ENGER, TIM HARVIE, MIKE JACKSON, CONRAD JOHNSON, GORDON KELLER, WAYNE A. KRIZ, DOUG MILLER, ART MCELROY, BRIAN OLSEN, PAUL S. ORSAK, BRIAN OTTO, JAMES M. PALLISTER, KELLY S. PATRICK, DOUGLAS ROBERTSON, GREG ROCKAFELLOW, BUCK SPENCER, WAYNE TUCK, THE ALBERTA BARLEY COMMISSION AND THE WESTERN BARLEY GROWERS ASSOCIATION - v. - HER MAJESTY THE QUEEN IN RIGHT OF CANADA AND THE CANADIAN WHEAT BOARD** (FC) (Civil)

CORAM: L'Heureux-Dubé, Arbour and LeBel JJ.

The application for leave to appeal is dismissed with costs to the respondent Her Majesty the Queen in Right of Canada.

La demande d'autorisation d'appel est rejetée avec dépens en faveur de l'intimée Sa Majesté la Reine du chef du Canada.

28194 **MIGUEL FIGUEROA - v. - THE ATTORNEY GENERAL OF CANADA** (Ont.) (Civil)

CORAM: L'Heureux-Dubé, Arbour and LeBel JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

27985 **LAURA BANNON - v. - THE CORPORATION OF THE CITY OF THUNDER BAY** (Ont.)
(Civil)

CORAM: Gonthier, Major and Binnie JJ.

The application for leave to appeal is granted with costs to the applicant in any event of the cause.

La demande d'autorisation d'appel est accordée avec dépens en faveur de la demanderesse quelle que soit l'issue du pourvoi.

28223 **DAVID SCOTT HALL - v. - HER MAJESTY THE QUEEN** (Ont.) (Criminal)

CORAM: Gonthier, Major and Binnie JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

28091 **ATTORNEY GENERAL OF CANADA ON BEHALF OF HER MAJESTY THE QUEEN IN RIGHT OF CANADA AND IN HIS CAPACITY AS MINISTER OF JUSTICE, THE TREASURY BOARD OF CANADA AND THE MINISTER OF JUSTICE - v. - PATRICIA BABCOCK, LINDA BELL, VICTORIA BRYAN, LYNN BURCH, KARL BURDAK, GEORGE CARRUTHERS, GORDON CARSCADDEN, MARGARET E.T. CLARE, TIMOTHY W. CLARKE, MOYRA DHALIWAL, MARY JANE DODGE, JONAS DUBAS, S. DAVID FRANKEL, GREG D. FRANKLIN, VALERIE HARTNEY, BRUCE HILCHEY, JOHN KENNEDY, DIGBY KIER, DANIEL L. KISELBACH, INGEBORG E. LLOYD, JOSEPHINE LONCARIC, JOHN LOO, WILLIAM MAH, IAN MCKINNON, ROBERT MOEN, NACY OSTER, MICHAEL OWENS, BRENT PARIS, DARLENE PATRICK, PAUL PELLETIER, DAVID PREST, BRIAN BURDY, CHRISTOPHER RANDALL, BRIAN SEDGWICK, KAREN SHIRLEY, PAMELA LINDSAY SMITH, TIM STOKES, CORY STOLTE, JOSE TREMBLAY, KAREN A. TRUSCOTT, MAX WEDER, HARRY WRUCK AND WEDNY YOSHIDA - and between - ATTORNEY GENERAL OF CANADA ON BEHALF OF HER MAJESTY THE QUEEN IN RIGHT OF CANADA AND IN HIS CAPACITY AS MINISTER OF JUSTICE, THE TREASURY BOARD OF CANADA AND THE MINISTER OF JUSTICE - v. - ROSEMARY LUTTER AND EMILY REID** (B.C.) (Civil)

CORAM: Gonthier, Major and Binnie JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

27006 **PACIFIC NATIONAL INVESTMENTS LTD. v. THE CORPORATION OF THE CITY OF VICTORIA** (B.C.) (Civil)

CORAM: Gonthier, Iacobucci, Major, Bastarache, Binnie, Arbour and LeBel JJ.

The application for a rehearing is dismissed with costs.

La demande de réaudition est rejetée avec dépens.
