

**SUPREME COURT OF CANADA -- JUDGMENTS IN LEAVE APPLICATIONS**  
OTTAWA, 31/1/02. 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, 31/1/02. 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

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COMMENTS/COMMENTAIRES: [comments@scc-csc.gc.ca](mailto:comments@scc-csc.gc.ca)

**28772**            **Donna Louise Barrow - v. - Her Majesty the Queen** (Ont.) (Criminal)

CORAM:            Gonthier, Major and Binnie JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

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**28733**            **George Manship, of 205 St. George St., Moncton, New Brunswick, acting in his own right and under the business name and style of Gentleman's Massage Club and Manship Holdings Ltd., a body corporate under the laws of the Province of New Brunswick - v. - City of Fredericton, a municipal corporation** (N.B.) (Civil)

CORAM:            Gonthier, Major and Binnie JJ.

The application for leave to appeal is dismissed with costs.

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

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**28747**            **Susan A. Armstrong - v. - London Life Insurance Company, Lyn Marie Armstrong and Middlesex Condominium Corporation No. 130 and Parkside Management Limited - and between - Susan Alana Armstrong - v. - London Life Insurance Company** (Ont.) (Civil)

CORAM:            Gonthier, Major and Binnie JJ.

The application for leave to appeal is dismissed with costs.

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

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**28754**            **Regatta Plaza Limited, Acharya Holdings Limited, Arvind Acharya, Vipin Acharya and Pradip J. Joshi - v. - Standard Trust Company (in liquidation) and The Bank of Nova Scotia** (Nfld.) (Civil)

CORAM:            Gonthier, Major and Binnie JJ.

The application for leave to appeal is dismissed with costs to Standard Trust Company.

La demande d'autorisation d'appel est rejetée avec dépens en faveur de Standard Trust Company.

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28814 Walter J. Gregory - v. - Aetna Life Insurance Company of Canada (Ont.) (Civil)

CORAM: Gonthier, Major and Binnie JJ.

The application for leave to appeal is dismissed with costs.

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

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28586 Provincial Drywall Supply Limited - v. - The Toronto-Dominion Bank (Man.) (Civil)

CORAM: Gonthier, Major and Binnie JJ.

The application for leave to appeal is dismissed with costs.

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

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28764 Lafarge Canada Inc. - v. - Bertrand & Frère Construction Company Limited, Bernard Alie, Royal Aubin, Rachelle Aubin, Gilles Barrette, Nicole Barrette, Ronald Beaudoin, Louise Beaudoin, Armand Bédard, Lise Bédard, Francis Beks, Marcel Bissonnette, Maurice Boudrias, Richard Boudrias, Jacques Bouvier, Christine Bouvier,, Sylvain Brazeau, Micheline Brazeau, Fernand Carrière, Marcel Carrière, Lucie Carrière, Herbert Chew, Chirley Chew, Alain Delorme, Suzie Delorme, Louis Demers, Elaine Touzin, Christian Denis, Danielle Duranceau Denis, Gilles Desrosiers,, Guy Duchesne, Claire Duchesne, Bernard Durocher, Patricia Durocher, Richard Durocher, Lyne Durocher, Wilhelm Hack, Jana Hack, Douglas Harvey, Judith Harvey, Ross Higginson, Serge Lachaine, Yvon Laliberté, Hélène Laliberté, François Lalonde, Nicole Lalonde, Jacques, B. Lalonde, Léopold Leduc, Royal Leduc, Délima Leduc, André Pilon, Claire Pilon, Louis Portelance, Claude Robitaille, Danielle Robitaille, Jean-Yves Séguin, Claire Séguin, Jacques Simard, Monique Simard, Raymond Tessier, Ginette Tessier, Pierre Timbers, Carole Timbers, John Tollis, Eva Tollis, Raymond Chabot Inc., Trustee in Bankruptcy of the estate of Gilles Turpin, a bankrupt, Noëlla Bissonnette, Albert Besner, Martine Besner, Gaétan Bougie, Raymond Bougie, Jacqueline Boulianne, Alan Burns, Rhéaume Champagne, Karolina Despotovitch, Ed Dimo, Danielle Duplantie, Alain Duval, Lucie Charbonneau, Aurèle Galipeau, Marjolaine Dubord, Michel Goulet, Kurt Hungerbuehler, Gérard Lalonde, Madeleine Leduc, Gaston Rozon, Murielle Rozon, Joe Vaillancourt, Nicole Thibault, Prescott Condominium Corporation No. 2, Hubert Séguin, Lucienne Séguin, Corporation of the Village of L'Orignal, Roger Parisien, Marguerite Parisien, Lise St-Denis, Bronwen Williams, Michel Barbarie, Louise Barbarie,, André Roy, Nathalie Pilon, Michel Lamoureux, Yves Boulet, Susan Labelle, Claudette Denis, Richard Desjardins, William A. Kothe, Helene Kothe, Pierre Larocque, Lori Larocque, Ronnie G. Leduc, Michèle F. Leduc, Serge Meconse, Teresa C. Meconse,, Serge Pilon, Monique Pilon, Gérard Théorêt, Diane Théorêt, Capri Realties Limited, Gary O'Neill, Lillian O'Neill, Roland A. Carrière, Lise Alie, Mary Beks, Gisèle St-Onge, Sergine Carrière, Line Desrosiers, Johanne Higginson, Rachelle Lachaine,, Ida Lalonde, Carole Lamoureux, Jeanne Leduc, Cheryl Portelance, Pricewaterhouse Coopers Inc., Trustee in Bankruptcy of the Estates of Alice Arshoun and Gabriel Ashroun, bankrupts, James Baxter, Janice Baxter, Daniel Boudrias, Reinelle Boudrias, Marcel Côté, Lucie Côté, Marc Lalonde, Joanne Lalonde-Martel, Richard Lessard, Karyn Lissa Lessard, Jean-Claude Martin, Madeleine Martin, Daniel Page, Carole Page, Christian Pigeon, Hélène Pigeon, Jean-Bernard Saumure, Diane Saumure, Ronald Smith, Sylvia Smith, Richard Witham, Shirley Witham, Anne-Marie McDonell, Gerald McDonell, Jacques Marcil, Francine Marcil, Roger Levesque, Madeleine Levesque, Bernard Pilon, Frances Pilon, Louise Tremblay - and - Roger Duval, Bruno Rioux, Luc Seguin, Lynn Danis Seguin - and - Ontario New Home Warranty Program, Johanne Stoesz, Frank Webber, Susan Webber, Gilles Martineau, Gérard Charbonneau, Elizabeth Charbonneau, Mario Charlebois, Sylvie Charlebois, Guylaine Joly, Luc

**Joly, Richard Lalonde, Nicole Benard Lalonde,, Sergue Chartrand, Suzanne Chartrand, Robert Brunet, Christine Brunet, Frank McKenna, Benoit Burroughs, Sylvie Burroughs, Don Mercer, Kathy Mercer, Cameron McCormick, Janice McCormick, Rodrigue Boulay, Vanessa Tveitane, Steven Kurz, Rona Kurz, Pierre Lalonde, Claire Lacroix, Drew Thomas Gibson, Steve Hegedus Jr., Donna Kelly Hegedus, Gerard Janssen, Marie Therese Janssen, Sylvain Dicaire, Suzanne Dicaire, Jacques Labelle, Michel Lecompte, Danielle Lecompte, Alain Secours, Betty Ann Secours,, Lorraine St. Jean Carrière, Jack Deragon, Suzanne Scott, Chantal Saucier, Alan Matthews, Janet Matthews, Prescott Condominium Corporation No. 5, Marcel Brazeau, Francine Langelier, - and - Chubb Insurance Company of Canada, General Accident Assurance Company, Canadian General Insurance Company, Royal Insurance Company and Guardian Insurance Company (Ont.) (Civil)(28764)**

CORAM: Gonthier, Major and Binnie JJ.

The application for leave to appeal is dismissed with costs on a party-and-party basis to the Respondents, Bertrand & Frère Construction Company Limited, Bernard Alie, Royal Aubin, Rachelle Aubin, Gilles Barrette, Nicole Barrette, Ronald Beaudoin, Louise Beaudoin, Armand Bédard, Lise Bédard, Francis Beks, Marcel Bissonnette, Maurice Boudrias, Richard Boudrias, Jacques Bouvier, Christine Bouvier,, Sylvain Brazeau, Micheline Brazeau, Fernand Carrière, Marcel Carrière, Lucie Carrière, Herbert Chew, Chirley Chew, Alain Delorme, Suzie Delorme, Louis Demers, Elaine Touzin, Christian Denis, Danielle Duranceau Denis, Gilles Desrosiers,, Guy Duchesne, Claire Duchesne, Bernard Durocher, Patricia Durocher, Richard Durocher, Lyne Durocher, Wilhelm Hack, Jana Hack, Douglas Harvey, Judith Harvey, Ross Higginson, Serge Lachaine, Yvon Laliberté, Hélène Laliberté, François Lalonde, Nicole Lalonde, Jacques, B. Lalonde, Léopold Leduc, Royal Leduc, Délima Leduc, André Pilon, Claire Pilon, Louis Portelance, Claude Robitaille, Danielle Robitaille, Jean-Yves Séguin, Claire Séguin, Jacques Simard, Monique Simard, Raymond Tessier, Ginette Tessier, Pierre Timbers, Carole Timbers, John Tollis, Eva Tollis, Raymond Chabot Inc., Trustee in Bankruptcy of the estate of Gilles Turpin, a bankrupt, Noëlla Bissonnette, Albert Besner, Martine Besner, Gaétan Bougie, Raymond Bougie, Jacqueline Boulianne, Alan Burns, Rhéaume Champagne, Karolina Despotovitch, Ed Dimo, Danielle Duplantie, Alain Duval, Lucie Charbonneau, Aurèle Galipeau, Marjolaine Dubord, Michel Goulet, Kurt Hungerbuehler, Gérard Lalonde, Madeleine Leduc, Gaston Rozon, Murielle Rozon, Joe Vaillancourt, Nicole Thibault, Prescott Condominium Corporation No. 2, Hubert Séguin, Lucienne Séguin, Corporation of the Village of L'Orignal, Roger Parisien, Marguerite Parisien, Lise St-Denis, Bronwen Williams, Michel Barbarie, Louise Barbarie,, André Roy, Nathalie Pilon, Michel Lamoureux, Yves Boulet, Susan Labelle, Claudette Denis, Richard Desjardins, William A. Kothe, Helene Kothe, Pierre Larocque, Lori Larocque, Ronnie G. Leduc, Michèle F. Leduc, Serge Meconse, Teresa C. Meconse,, Serge Pilon, Monique Pilon, Gérard Théorêt, Diane Théorêt, Capri Realities Limited, Gary O'Neill, Lillian O'Neill, Roland A. Carrière, Lise Alie, Mary Beks, Gisèle St-Onge, Sergine Carrière, Line Desrosiers, Johanne Higginson, Rachelle Lachaine,, Ida Lalonde, Carole Lamoureux, Jeanne Leduc, Cheryl Portelance, Pricewaterhouse Coopers Inc., Trustee in Bankruptcy of the Estates of Alice Arshoun and Gabriel Ashroun, bankrupts, James Baxter, Janice Baxter, Daniel Boudrias, Reinelle Boudrias, Marcel Côté, Lucie Côté, Marc Lalonde, Joanne Lalonde-Martel, Richard Lessard, Karyn Lissa Lessard, Jean-Claude Martin, Madeleine Martin, Daniel Page, Carole Page, Christian Pigeon, Hélène Pigeon, Jean-Bernard Saumure, Diane Saumure, Ronald Smith, Sylvia Smith, Richard Witham, Shirley Witham, Anne-Marie McDonell, Gerald McDonell, Jacques Marcil, Francine Marcil, Roger Levesque, Madeleine Levesque, Bernard Pilon, Frances Pilon, Louise Tremblay, Roger Duval, Bruno Rioux, Luc Seguin, Lynn Danis Seguin, Ontario New Home Warranty Program, Chubb Insurance Company of Canada, Canadian General Insurance Company, and Royal Insurance Company.

La demande d'autorisation d'appel est rejetée avec dépens sur la base partie-partie aux intimés, Bertrand & Frère Construction Company Limited, Bernard Alie, Royal Aubin, Rachelle Aubin, Gilles Barrette, Nicole Barrette, Ronald Beaudoin, Louise Beaudoin, Armand Bédard, Lise Bédard, Francis Beks, Marcel Bissonnette, Maurice Boudrias, Richard Boudrias, Jacques Bouvier, Christine Bouvier,, Sylvain Brazeau, Micheline Brazeau, Fernand Carrière, Marcel Carrière, Lucie Carrière, Herbert Chew, Chirley Chew, Alain Delorme, Suzie Delorme, Louis Demers, Elaine Touzin, Christian Denis, Danielle Duranceau Denis, Gilles Desrosiers,, Guy Duchesne, Claire Duchesne, Bernard Durocher, Patricia Durocher, Richard Durocher, Lyne Durocher, Wilhelm Hack, Jana Hack, Douglas Harvey, Judith Harvey, Ross Higginson, Serge Lachaine, Yvon Laliberté, Hélène Laliberté, François Lalonde, Nicole Lalonde, Jacques, B. Lalonde, Léopold Leduc, Royal Leduc, Délima Leduc, André Pilon, Claire Pilon, Louis Portelance, Claude Robitaille, Danielle Robitaille, Jean-Yves Séguin, Claire Séguin, Jacques Simard, Monique Simard, Raymond Tessier, Ginette Tessier, Pierre Timbers, Carole Timbers, John Tollis, Eva Tollis, Raymond Chabot Inc., Syndic de faillite de Gilles Turpin, un failli,

Noëlla Bissonnette, Albert Besner, Martine Besner, Gaëtan Bougie, Raymond Bougie, Jacqueline Boulianne, Alan Burns, Rhéaume Champagne, Karolina Despotovitch, Ed Dimo, Danielle Duplantie, Alain Duval, Lucie Charbonneau, Aurèle Galipeau, Marjolaine Dubord, Michel Goulet, Kurt Hungerbuehler, Gérard Lalonde, Madeleine Leduc, Gaston Rozon, Murielle Rozon, Joe Vaillancourt, Nicole Thibault, Prescott Condominium Corporation No. 2, Hubert Séguin, Lucienne Séguin, Corporation du Village de L'Original, Roger Parisien, Marguerite Parisien, Lise St-Denis, Bronwen Williams, Michel Barbarie, Louise Barbarie,, André Roy, Nathalie Pilon, Michel Lamoureux, Yves Boulet, Susan Labelle, Claudette Denis, Richard Desjardins, William A. Kothe, Helene Kothe, Pierre Larocque, Lori Larocque, Ronnie G. Leduc, Michèle F. Leduc, Serge Meconse, Teresa C. Meconse,, Serge Pilon, Monique Pilon, Gérard Théorêt, Diane Théorêt, Capri Realities Limited, Gary O'Neill, Lillian O'Neill, Roland A. Carrière, Lise Alie, Mary Beks, Gisèle St-Onge, Sergine Carrière, Line Desrosiers, Johanne Higginson, Rachelle Lachaine,, Ida Lalonde, Carole Lamoureux, Jeanne Leduc, Cheryl Portelance, Pricewaterhouse Coopers Inc., Syndic de faillite de Alice Arshoun et Gabriel Ashroun, faillis, James Baxter, Janice Baxter, Daniel Boudrias, Reinelle Boudrias, Marcel Côté, Lucie Côté, Marc Lalande, Joanne Lalande-Martel, Richard Lessard, Karyn Lissa Lessard, Jean-Claude Martin, Madeleine Martin, Daniel Page, Carole Page, Christian Pigeon, Hélène Pigeon, Jean-Bernard Saumure, Diane Saumure, Ronald Smith, Sylvia Smith, Richard Witham, Shirley Witham, Anne-Marie McDonell, Gerald McDonell, Jacques Marcil, Francine Marcil, Roger Levesque, Madeleine Levesque, Bernard Pilon, Frances Pilon, Louise Tremblay, Roger Duval, Bruno Rioux, Luc Seguin, Lynn Danis Seguin, Ontario New Home Warranty Program, Chubb Insurance Company of Canada, Canadian General Insurance Company, et Royal Insurance Company.

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**28704**            **Coralie Perkins-Aboagye - v. - Christopher William Kerrigan, also known as Jeff Douglas McCorkell, Shaun M. Cooper, Quick Business Services Inc. and its Affiliates** (Ont.) (Civil)

CORAM:            Gonthier, Major and Binnie 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.

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**28856**            **J.J.M. - v. - Her Majesty the Queen** (Man.) (Criminal)

CORAM:            Gonthier, Major and Binnie JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

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**28744**            **Downtown Eatery (1993) Ltd., The Landing Strip Inc., The Landing Restaurant Inc., The Landing Restaurant (1993) Limited, Downtown Eatery Limited, Best Beaver Management Inc. (Ontario Corporation No. 971712), Best Beaver Management Inc. (Ontario Corporation No. 1042788), Twin Peaks Inc., Herman Grad and Ben Grosman - v. - Joseph Alouche** (Ont.) (Civil)

CORAM:        Gonthier, Major and Binnie JJ.

The application for leave to appeal is dismissed with costs.

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

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**28504**            **Charlie Pinteric - v. - People's Bar and Eatery Limited, Ermioni Chialtas also known as Mary Chialtas and Jim Chialtas also known as Jimmy Chialtas** (Ont.) (Civil)

CORAM:        Gonthier, Major and Binnie JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

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**28497**            **The Cook's Road Maintenance Association on behalf of itself and all other owners of lands in Lots 9 and 10, Concession 1, Township of Marmora, County of Hastings, and Lots 8 and 9, Concession 1, Township of Belmont, County of Peterborough and obtaining access to their properties on the North Shore of Crowe Lake by way of a road known as Cook's Road - v. - Crowhill Estates** (Ont.) (Civil)

CORAM:        Gonthier, Major and Binnie JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

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**28770**            **The Corporation of the City of Sudbury - v. - Union Gas Limited** (Ont.) (Civil)

CORAM:        Gonthier, Major and Binnie JJ.

The application for leave to appeal is dismissed with costs.

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

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**28791**            **1185740 Ontario Limited - v. - The Minister of National Revenue and The Attorney General of Canada** (FC) (Civil)

CORAM:        Gonthier, Major and Binnie JJ.

The application for leave to appeal is dismissed with costs.

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

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**28784**            **John Dykun - v. - James H. Odishaw, Joseph P. Brumlik and Vivian R. Stevenson** (Alta.) (Civil)

CORAM:            Gonthier, Major and LeBel JJ.

The application for leave to appeal is dismissed with costs.

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

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**28820**            **John Correia, Kathy Correia and J.C. Auto Mobile - v. - William Roland Danyluk - and between - John Correia, Kathy Correia and J.C. Auto Mobile - v. - Troy James Keller Arnyco Oilfield Services Ltd.** (Alta.) (Civil)

CORAM:            Gonthier, Major and LeBel 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.

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