

SUPREME COURT OF CANADA -- JUDGMENTS IN APPEALS

OTTAWA, 16/07/04. THE SUPREME COURT OF CANADA HAS TODAY DEPOSITED WITH THE REGISTRAR JUDGMENT IN THE FOLLOWING APPEALS.

FROM: SUPREME COURT OF CANADA (613) 995-4330

COUR SUPRÊME DU CANADA -- JUGEMENTS SUR APPELS

OTTAWA, 16/07/04. LA COUR SUPRÊME DU CANADA A DÉPOSÉ AUJOURD'HUI AUPRÈS DE LA REGISTRAIRE LE JUGEMENT DANS LES APPELS SUIVANTS.

SOURCE: COUR SUPRÊME DU CANADA (613) 995-4330

COMMENTS/COMMENTAIRES: comments@scc-csc.gc.ca

(Reasons for judgments will be available shortly at: / Motifs des jugements disponibles sous peu à:
<http://www.scc-csc.gc.ca>)

29370

Carl Anderson v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Empress Gas Corp. Ltd., Encor Energy Corporation Inc., Gulf Canada Resources Limited, Home Oil Company Limited, Imperial Oil Resources, Imperial Oil Resources Limited, Imperial Oil Resources Production Limited, Jethro Development Ltd., Kerr-McGee Canada Ltd., McColl-Frontenac Inc., Mobil Oil Canada, Morgan Hydrocarbons Inc., Murphy Oil Company Ltd., Petro-Canada, Royal Trust Energy Resources II Corporation, RTEC One Resources Inc. and Suncor Inc. - and between - Carl Anderson and Richard W. C. Anderson, Co-executors of the Estate of Chris Anderson, deceased, Carl Anderson, Laureen Anderson, Richard W. C. Anderson, Gonda Humble, Margaret May Newland, Mary Ross and Lillian Rowles v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Canol Resources Ltd., Dominion Explorers Inc., Empress Gas Corp. Ltd., Genra One Resources Inc., Gulf Canada Resources Limited, Home Oil Company Limited, International Oiltex Ltd., Jethro Development Ltd., Kerr-McGee Canada Ltd., Mobil Oil Canada, Mobil Oil Canada Ltd., Mobil Resources Ltd., Murphy Oil Company Ltd., Ocelot Energy Inc., Petro-Canada, Suncor Inc., Talisman Energy Inc. and Westrock Energy Resources II Corporation - and between - Marguerite J. Bouskill, Executrix of the Estate of Thomas Charles Bouskill, deceased, Marguerite J. Bouskill, Geraldine Sadie McArthur and May Eleanor Winter v. Canadian Fina Oil Limited, Home Oil Company Limited, Petrofina Canada Ltd., Petro-Canada Enterprises Inc., Petro-Canada Inc. and Petro-Canada - and between - Bruce Wesley Burns, Executor of the Estate of Wycliffe Thomas Burns, deceased, Bruce Wesley Burns, Robert Lyle Burns and Stanley Roy Burns v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Apache Corporation, Canadian Gulf Oil Company, Canadian Pacific Limited, Empress Gas Corp. Ltd., Encor Energy Corporation Inc., Gulf Canada Limited, Gulf Canada Properties Limited, Gulf Canada Resources Limited, Home Oil Company Limited, Imperial Oil Resources, Jethro Development Ltd., Kerr-McGee Canada Ltd., Mobil Oil Canada, Morgan Hydrocarbons Inc., Murphy Oil Company Ltd., PanCanadian Petroleum Limited, Petro-Canada, Royal Trust Energy Resources II Corporation, RTEC One Resources Inc. and Suncor Inc. - and between - Roy Hoven and Adolph Hoven, Co-executors of the Estate of Theresa Hoven, deceased v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Canol Resources Ltd., Canadian Gulf Oil Company, Dominion Explorers Inc., Empress Gas Corp. Ltd., Gulf Canada Limited, Gulf Canada Properties Limited, Gulf Canada Resources Limited, Home Oil Company Limited, International Oiltex Ltd., Jethro Development Ltd., Kerr-McGee Canada Ltd., Mobil Oil Canada, Morgan Hydrocarbons Inc., Murphy Oil Company Ltd., Ocelot Energy Inc., Petro-Canada, Royal Trust Energy Resources II Corporation, RTEC One Resources Inc., Suncor Inc. and Talisman

Energy Inc. - and between - Robert John Fielding King, Executor of the Estate of Dorothy Jessie Walker, deceased, and Robert John Fielding King v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Apache Corporation, Canadian Gulf Oil Company, Canadian Pacific Limited, Empress Gas Corp. Ltd., Encor Energy Corporation Inc., Gulf Canada Limited, Gulf Canada Properties Limited, Gulf Canada Resources Limited, Home Oil Company Limited, Imperial Oil Resources, Jethro Development Ltd., Kerr-McGee Canada Ltd., Mobil Oil Canada, Morgan Hydrocarbons Inc., Murphy Oil Company Ltd., PanCanadian Petroleum Limited, Petro-Canada, Royal Trust Energy Resources II Corporation, RTEC One Resources Inc. and Suncor Inc. - and between - Robert Michael Logan, Executor of the Estate of Wilbert Logan, deceased v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Canol Resources Ltd., Dominion Explorers Inc., Empress Gas Corp. Ltd., Gulf Canada Resources Limited, Home Oil Company Limited, Imperial Oil Limited, International Oiltex Ltd., Jethro Development Ltd., Kerr-McGee Canada Ltd., Mobil Oil Canada, Morgan Hydrocarbons Inc., Murphy Oil Company Ltd., Ocelot Energy Inc., Petro-Canada, Royal Trust Energy Resources II Corporation, RTEC One Resources Inc., Suncor Inc. and Talisman Energy Inc. - and between - Angus McNeil v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Canadian Gulf Oil Company, Canadian Pacific Limited, Empress Gas Corp. Ltd., Encor Energy Corporation Inc., Gascan Resources Ltd., Gulf Canada Limited, Gulf Canada Properties Limited, Gulf Canada Resources Limited, Home Oil Company Limited, Imperial Oil Resources, Imperial Oil Resources Limited, Imperial Oil Resources Production Limited, Jethro Development Ltd., Kerr-McGee Canada Ltd., Lincoln-McKay Development Company Ltd., McColl-Frontenac Inc., Mobil Oil Canada, Morgan Hydrocarbons Inc., Murphy Oil Company Ltd., PanCanadian Petroleum Limited, Petro-Canada, Royal Trust Energy Resources II Corporation, RTEC One Resources Inc. and Suncor Inc. - and between - David Lloyd McNeil v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Canol Resources Ltd., Dominion Explorers Inc., Empress Gas Corp. Ltd., Gulf Canada Resources Limited, Home Oil Company Limited, Imperial Oil Resources Limited, International Oiltex Ltd., Jethro Development Ltd., Kerr-McGee Canada Ltd., Mobil Oil Canada, Morgan Hydrocarbons Inc., Murphy Oil Company Ltd., Ocelot Energy Inc., Petro-Canada, Royal Trust Energy Resources II Corporation, RTEC One Resources Inc., Suncor Inc., Talisman Energy Inc. and Union Pacific Resources Inc. - and between - James William Murdoch and Andrew John Murdoch v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Canadian Gulf Oil Company, Canadian Pacific Limited, Empress Gas Corp. Ltd., Encor Energy Corporation Inc., Gascan Resources Ltd., Gulf Canada Limited, Gulf Canada Properties Limited, Gulf Canada Resources Limited, Home Oil Company Limited, Imperial Oil Resources, Imperial Oil Resources Limited, Imperial Oil Resources Production Limited, Jethro Development Ltd., Kerr-McGee Canada Ltd., Lincoln-McKay Development Company Ltd., McColl-Frontenac Inc., Mobil Oil Canada, Morgan Hydrocarbons Inc., Murphy Oil Company Ltd., PanCanadian Petroleum Limited, Petro-Canada, Royal Trust Energy Resources II Corporation, RTEC One Resources Inc. and Suncor Inc. - and between - Andrew Patterson Murray v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Empress Gas Corp. Ltd., Encor Energy Corporation Inc., Gulf Canada Resources Limited, Home Oil Company Limited, Imperial Oil Resources, Imperial Oil Resources Limited, Imperial Oil Resources Production Limited, Jethro Development Ltd., Kerr-McGee Canada Ltd., McColl-Frontenac Inc., Mobil Oil Canada, Morgan Hydrocarbons Inc., Murphy Oil Company Ltd., Petro-Canada, Royal Trust Energy Resources II Corporation, RTEC One Resources Inc. and Suncor Inc. - and between - David Lloyd McNeil, Executor of the Estate of Ada McNeil, deceased, David Lloyd McNeil, Evelyn McNeil, Beatrice Ann Philips and Ethel Ada Thornton v. Amoco Canada Oil and Gas, Amoco Canada Resources Ltd., Amoco Canada Energy Ltd., 3061434 Canada Ltd., Canol Resources Ltd., Dominion Explorers Inc., Empress Gas Corp. Ltd., Gentra One Resources Inc., Gulf Canada Resources Limited, Home Oil Company Limited, International Oiltex Ltd., Jethro Development Ltd.,

Kerr-McGee Canada Ltd., Mobil Oil Canada, Mobil Oil Canada, Ltd., Mobil Resources Ltd., Murphy Oil Company Ltd., Ocelot Energy Inc., Petro-Canada, Suncor Inc., Talisman Energy Inc. and Westrock Energy Resources II Corporation - and between - Elias Dyrland v. 227096 Oil & Gas Ltd., Atlantic Richfield Company, Canadian Gulf Oil Company, Gulf Canada Limited, Gulf Canada Properties Limited, Gulf Canada Resources Limited, Husky Oil Operations Ltd., Conwest Exploration Company Limited, Canadian Pacific Limited, PanCanadian Petroleum Limited and Petro-Canada - and between - Roy Edward Engen, Roy Edward Engen, Executor of the Estate of Oscar Huseby, deceased, and Allan Henri Posti v. Atlantic Richfield Company, Canadian Pacific Limited, Crestar Energy, Gulf Canada Resources Limited, Lincoln-McKay Development Company Ltd., PanCanadian Petroleum Limited, Petro-Canada and Sulpetro Limited - and between - Ronald Hall and Leanne Hall, Executors of the Estate of Constance Huseby, deceased, Dorothy Jean Matthews and Norma June Cherniak, Executors of the Estate of Muriel Engen, deceased, Violet Carroll, Norma June Cherniak, Holly Muriel French, Harvey Raymond Huseby, Kelly Marlene Judson and Dorothy Jean Matthews v. Atlantic Richfield Company, Canadian Pacific Limited, Crestar Energy, Gulf Canada Resources Limited, Lincoln-McKay Development Company Ltd., PanCanadian Petroleum Limited and Petro-Canada - and between - Alick Lawton, Executor of the Estate of Roger Lawton, deceased, and Alick Lawton v. 227096 Oil & Gas Ltd., Atlantic Richfield Company, Canadian Gulf Oil Company, Gulf Canada Limited, Gulf Canada Properties Limited, Gulf Canada Resources Limited, Husky Oil Operations Ltd., Conwest Exploration Company Limited, Canadian Pacific Limited, PanCanadian Petroleum Limited and Petro-Canada - and between - Russell E. Thorp and William J. Thorp, Co-executors of the Estates of Hilmer Magnus Thorp and Pearl Mary Thorp, deceased, Russell E. Thorp and William J. Thorp v. 227096 Oil & Gas Ltd., Atlantic Richfield Company, Canadian Gulf Oil Company, Gulf Canada Limited, Gulf Canada Properties Limited, Gulf Canada Resources Limited, Husky Oil Operations Ltd., Conwest Exploration Company Limited, Canadian Pacific Limited, PanCanadian Petroleum Limited and Petro-Canada - and between - Ada Irene McKenzie and Robert Douglas Wallace, Executor of the Estate of Elizabeth D. Wallace, deceased v. Canadian Pacific Limited, Canadian Rampart Oil & Gas Ltd., J & K Petroleum Land Management Ltd., LL & E Canada Holdings, Inc., PanCanadian Petroleum Limited, Rocky River Resources Ltd. and Sunlite Oil Company Limited - and between - Mary Diane Peterson, Executrix of the Estate of Evelyn Lucinda Macey, deceased, Mary Diane Peterson, Larry John Macey and Lorna Jean Macey v. Canada Northwest Energy Limited, Canadian Pacific Limited, Canpar Holdings Ltd., PanCanadian Petroleum Limited and Serenpet Exploration Inc. - and between - Violet Anne Safron v. Apache Corporation, Sunray DX Northern Oil Co. Ltd., Sun Oil Company Limited and Suncor Inc. - and between - Verdie Ann Lian and Janet Lee Ann Kostiw, Executrices of the Estate of Marjorie E. Stone, deceased v. Bralorne Resources Limited, Bonanza Oil & Gas Ltd., Canadian Hunter Exploration Ltd., Lochend Partnership, Lochwest Resources Ltd., Serenpet Exploration Inc., Serenpet Inc., Serenpet Partnership and Shiningbank Energy Ltd. - and - Freehold Petroleum & Natural Gas Owners Association (Alta.)
2004 SCC 49 / 2004 CSC 49

Coram: McLachlin C.J. and Major, Bastarache, Binnie and Deschamps JJ.

The appeal from the judgment of the Court of Appeal of Alberta (Calgary), Number 98-17974, dated June 26, 2002, heard on April 22, 2004 is dismissed with costs.

L'appel interjeté contre l'arrêt de la Cour d'appel de l'Alberta (Calgary), numéro 98-17974, en date du 26 juin 2002, entendu le 22 avril 2004 est rejeté avec dépens.

29769 **Walter Raponi v. Her Majesty the Queen** (Alta.) (Crim.)
2004 SCC 50 / 2004 CSC 50

Coram: McLachlin C.J. and Major, Bastarache, Binnie, Arbour*, Deschamps and Fish JJ.

The appeal from the judgment of the Court of Appeal of Alberta (Edmonton), Number 0203-0079-A3, 2003 ABCA 128, dated April 16, 2003, heard on May 17, 2004 is allowed, and the order of the Court of Appeal set aside without prejudice to the parties' rights to proceed in the proper manner. Each party will bear its own costs.

L'appel interjeté contre l'arrêt de la Cour d'appel de l'Alberta (Edmonton), numéro 0203-0079-A3, 2003 ABCA 128, en date du 16 avril 2003, entendu le 17 mai 2004 est accueilli et l'ordonnance de la Cour d'appel est annulée, sans préjudice du droit des parties de procéder de manière appropriée. Chaque partie assumera ses propres dépens.

* Arbour J. took no part in the judgment. / La juge Arbour n'a pas pris part au jugement.

29649 **Nova Scotia Power Inc. v. Her Majesty the Queen** (FC)
2004 SCC 51 / 2004 CSC 51

Coram: McLachlin C.J. and Major, Binnie, LeBel and Deschamps JJ.

The appeal from the judgment of the Federal Court of Appeal, Number A-108-02, dated January 23, 2003, was heard on June 11, 2004 and on that day the following judgment was rendered:

THE CHIEF JUSTICE (orally) — We are all of the view that this appeal should be dismissed. Reasons to follow.

On this day reasons were delivered and the judgment was restated as follows:

The appeal should be dismissed with costs.

L'appel interjeté contre l'arrêt de la Cour d'appel fédérale, numéro A-108-02, en date du 23 janvier 2003, a été entendu le 11 juin 2004 et la Cour a prononcé le même jour le jugement suivant :

[TRANSLATION]

LA JUGE EN CHEF (oralement) — Nous sommes tous d'avis que le présent pourvoi doit être rejeté. Motifs à suivre.

Aujourd'hui la Cour a déposé des motifs et reformulé le jugement comme suit :

Le pourvoi est rejeté avec dépens.
