

SUPREME COURT OF CANADA -- JUDGMENTS IN APPEAL AND LEAVE APPLICATIONS

OTTAWA, 2009-04-23. THE SUPREME COURT OF CANADA HAS TODAY RENDERED JUDGMENT IN THE FOLLOWING APPEAL AND APPLICATIONS FOR LEAVE TO APPEAL.

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

COUR SUPRÊME DU CANADA -- JUGEMENTS SUR APPEL ET DEMANDES D'AUTORISATION

OTTAWA, 2009-04-23. LA COUR SUPRÊME DU CANADA A RENDU JUGEMENT AUJOURD'HUI DANS L'APPEL ET LES DEMANDES D'AUTORISATION D'APPEL SUIVANTS.

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

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

APPEAL / APPEL :

Reasons for judgment will be available shortly at: / Motifs de jugement disponibles sous peu à:

<http://scc.lexum.umontreal.ca/en/2009/2009scc20/2009scc20.html>

<http://scc.lexum.umontreal.ca/fr/2009/2009csc20/2009csc20.html>

**32546 United Parcel Service Canada Ltd. v. Her Majesty the Queen (F.C.)
2009 SCC 20 / 2009 CSC 20**

Coram: McLachlin C.J. and Binnie, LeBel, Deschamps, Fish, Abella, Charron, Rothstein and Cromwell JJ.

The appeal from the judgment of the Federal Court of Appeal, Number A-604-06, 2008 FCA 48, dated February 7, 2008, 2007, heard on January 15, 2009, is allowed. The decision of the Federal Court of Appeal is set aside and the decision of the Tax Court is restored. The Minister's reassessment is disallowed in its entirety. Costs are awarded to the appellant in this Court and the courts below.

L'appel interjeté contre l'arrêt de la Cour d'appel fédérale, numéro A-604-06, 2008 CAF 48, en date du 7 février 2008, entendu le 15 janvier 2009, est accueilli. La décision de la Cour d'appel fédérale est annulée et la décision de la Cour canadienne de l'impôt est rétablie. La nouvelle cotisation établie par le ministre est refusée en totalité. L'appelante a droit à ses dépens devant notre Cour et devant les juridictions inférieures.

APPLICATIONS FOR LEAVE / DEMANDES D'AUTORISATION :

Note for subscribers:

The summaries of the cases are available at <http://www.scc-csc.gc.ca>:

Click on Cases and on SCC Case Information, type in the Case Number and press Search. Click on the Case Number on the Search Result screen, and when the docket screen appears, click on "Summary" which will appear in the left column.

Alternatively, click on

http://scc.lexum.umontreal.ca/en/news_release/2009/09-04-20.2a/09-04-20.2a.html

Note pour les abonnés :

Les sommaires des causes sont affichés à l'adresse <http://www.scc-csc.gc.ca> :

Cliquez sur « Dossiers », puis sur « Renseignements sur les dossiers ». Tapez le n° de dossier et appuyez sur « Recherche ». Cliquez sur le n° du dossier dans les Résultats de la recherche pour accéder au Registre. Cliquez enfin sur le lien menant au « Sommaire » qui figure dans la colonne de gauche.

Autre façon de procéder : Cliquez sur

http://scc.lexum.umontreal.ca/fr/news_release/2009/09-04-20.2a/09-04-20.2a.html

DISMISSED / REJETÉES

Reverend Brother Michael J. Baldasaro et al. v. Her Majesty the Queen (Ont.) (Criminal) (By Leave) (32935)
Coram: McLachlin / Abella / Rothstein

Her Majesty the Queen v. Emil K. Fishing Corporation (B.C.) (Civil) (By Leave) (32902)
(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.)
Coram: McLachlin / Abella / Rothstein

Philipp Polak v. Her Majesty the Queen (Ont.) (Criminal) (By Leave) (33009)
Coram: McLachlin / Abella / Rothstein

Richard David Douglas v. Her Majesty the Queen (Alta.) (Criminal) (By Leave) (32914)
(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.)
Coram: McLachlin / Abella / Rothstein

Vaszil Oszenaris v. Her Majesty the Queen (N.L.) (Criminal) (By Leave) (32917)
Coram: Binnie / Fish / Charron

D.M.T. v. Family and Children's Services of Guelph and Wellington County (Ont.) (Civil) (By Leave) (32994)
(The motions to expedite the application for leave to appeal and for an extension of time are granted and the application for leave to appeal is dismissed. / Les requêtes visant à accélérer la procédure de demande d'autorisation d'appel et la prorogation de délai sont accordées et la demande d'autorisation d'appel est rejetée.)
Coram: Binnie / Fish / Charron

Miklos Zibotics v. Her Majesty the Queen (Ont.) (Criminal) (By Leave) (33018)
Coram: LeBel / Deschamps / Cromwell

DISMISSED WITH COSTS / REJETÉES AVEC DÉPENS

Dawn Paxton et al. v. Shaffiq Ramji (Ont.) (Civil) (By Leave) (32929)
Coram: McLachlin / Abella / Rothstein

Choson Kallah Fund of Toronto v. Minister of National Revenue (F.C.) (Civil) (By Leave) (32958)
Coram: McLachlin / Abella / Rothstein

Economical Mutual Insurance Company v. David MacArthur et al. (Ont.) (Civil) (By Leave) (32952)
Coram: McLachlin / Abella / Rothstein

S. Joyce Attis et al. v. Her Majesty the Queen in Right of Canada as represented by the Minister of Health et al. (Ont.) (Civil) (By Leave) (32909)
Coram: McLachlin / Abella / Rothstein

Matthew V.R. Merchant v. Law Society of Alberta (Alta.) (Civil) (By Leave) (32954)
(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.)
Coram: McLachlin / Abella / Rothstein

Kevan Drady v. Her Majesty the Queen in Right of Canada as represented by the Minister of Health et al. (Ont.) (Civil) (By Leave) (32910)
(The application for an extension of time to serve and file the respondents' response of Baxter Healthcare Corporation, Baxter International Inc., Inamed LLC, Dow Corning Corporation, DCC Litigation Facility Inc., Medtronic Xomed Surgical Production Incorporated, Smiths Medical Canada Ltd. and Bristol Myers Squibb Company is granted. The application for leave to appeal is dismissed with costs. / La demande de prorogation de délai pour signifier et déposer la réponse des intimées de Baxter Healthcare Corporation, Baxter International Inc., Inamed LLC, Dow Corning Corporation, DCC Litigation Facility Inc., Medtronic Xomed Surgical Production Incorporated, Smiths Medical Canada Ltd. et Bristol Myers Squibb Company est accordée. La demande d'autorisation d'appel est rejetée avec dépens.)
Coram: McLachlin / Abella / Rothstein

Lars Ingmar Soderstrom v. Hoffmann- La Roche Limited et al. (Ont.) (Civil) (By Leave) (33020)
Coram: McLachlin / Abella / Rothstein

Marcel Bazinet v. Davies Harley Davidson et al. (Ont.) (Civil) (By Leave) (32903)
Coram: McLachlin / Abella / Rothstein

Aly F. Jiwan et al. v. Davis & Company, A Partnership (B.C.) (Civil) (By Leave) (32995)
Coram: McLachlin / Abella / Rothstein

George Smith v. Minister of Labour et al. (Man.) (Civil) (By Leave) (32997)
Coram: McLachlin / Abella / Rothstein

Attorney General of Canada v. Dora Sfetkopoulos et al. (F.C.) (Civil) (By Leave) (32944)
(The applicant's motion for a stay of execution is dismissed and the application for leave to appeal is dismissed with costs. / La requête du demandeur pour sursis d'exécution est rejetée et la demande d'autorisation d'appel est rejetée avec dépens.)
Coram: McLachlin / Abella / Rothstein

876947 Ontario Ltd., carrying on business under the firm name and style of RPR Environmental v. Town of Wainwright et al. (Alta.) (Civil) (By Leave) (32981)
Coram: McLachlin / Abella / Rothstein

Merchant Law Group v. Clifford Chudy et al. (B.C.) (Civil) (By Leave) (32966)
Coram: McLachlin / Abella / Rothstein

Viorica Lungu v. Berwyn Arthur Leslie Jarvis (B.C.) (Civil) (By Leave) (32896)

(The application to serve and file the respondent's response is granted. 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 pour signifier et déposer la réponse de l'intimé est accordée. La demande de prorogation de délai est accordée et la demande d'autorisation d'appel est rejetée avec dépens.)

Coram: McLachlin / Abella / Rothstein

Francoise Nadon c. Ville de Montréal et autres (Qc) (Civile) (Autorisation) (32972)

Coram: McLachlin / Abella / Rothstein

Alexander Nacewicz, Litigation Administrator for the Estate of Wanda Nacewicz v. Norman Schwegel (Ont.) (Civil) (By Leave) (33012)

Coram: McLachlin / Abella / Rothstein

Insight Instrument Corporation v. Minister of Transport (F.C.) (Civil) (By Leave) (32983)

(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.)

Coram: Binnie / Fish / Charron

International Association of Machinists and Aerospace Workers, Local Lodge No. 99 v. Finning International Inc. et al. (Alta.) (Civil) (By Leave) (32982)

(The application for leave to appeal is dismissed with costs to the respondents Finning International Inc. and Tracker Logistics Inc. / La demande d'autorisation d'appel est rejetée avec dépens en faveur des intimées Finning International Inc. et Tracker Logistics Inc.)

Coram: Binnie / Fish / Charron

Faith Assemblies Mission International v. Her Majesty the Queen (F.C.) (Civil) (By Leave) (32985)

Coram: Binnie / Fish / Charron

Ville de Montréal c. 150460 Canada Inc. et autres (Qc) (Civile) (Autorisation) (32894)

Coram: Binnie / Fish / Charron

City of Calgary v. Nortel Networks Inc. (Alta.) (Civil) (By Leave) (32948)

Coram: Binnie / Fish / Charron

Paul Fromm et al. v. Richard Warman (Ont.) (Civil) (By Leave) (32990)

Coram: Binnie / Fish / Abella

Multi-Portions inc. c. Guy Daniel (Qc) (Civile) (Autorisation) (32986)

Coram: LeBel / Deschamps / Cromwell

DISMISSED WITHOUT COSTS / REJETÉE SANS DÉPENS

Canadian National Railway Company v. Canadian Transportation Agency - and between - Canadian Pacific Railway Company v. Canadian Transportation Agency - and between - Canadian Pacific Railway Company v. Canadian Transportation Agency - and between - Canadian National Railway Company v. Canadian Transportation Agency - and between - Canadian Pacific Railway Company v. Canadian Transportation Agency (F.C.) (Civil) (By Leave) (32976)

Coram: McLachlin / Fish / Charron
