

SUPREME COURT OF CANADA -- JUDGMENTS ON APPEALS AND LEAVE APPLICATIONS

OTTAWA, 12/2/98. THE SUPREME COURT OF CANADA HAS TODAY DEPOSITED WITH THE REGISTRAR JUDGMENTS IN THE FOLLOWING APPEALS AND APPLICATIONS FOR LEAVE TO APPEAL.

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

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

OTTAWA, 12/2/98. LA COUR SUPRÊME DU CANADA A DÉPOSÉ AUJOURD'HUI AUPRÈS DU REGISTRAIRE LES JUGEMENTS DANS LES APPELS ET LES DEMANDES D'AUTORISATION D'APPEL SUIVANTS.

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

APPEALS / APPELS:

25193 **R. WEST & ASSOCIATES - and - ATTORNEY GENERAL OF BRITISH COLUMBIA v. TELECOM LEASING CANADA (TLC) LIMITED - and - ATTORNEY GENERAL OF CANADA, ATTORNEY GENERAL FOR ONTARIO and ATTORNEY GENERAL FOR ALBERTA** (B.C.)

CORAM: L'Heureux-Dubé, Sopinka,* Gonthier, Cory, McLachlin, Iacobucci and Major JJ.

The appeal is allowed with costs throughout, the judgment of the British Columbia Court of Appeal is set aside and the disposition ordered by the trial judge is restored.

Le pourvoi est accueilli avec dépens dans toutes les cours, l'arrêt de la Cour d'appel de la Colombie-Britannique est infirmé et la décision rendue par le juge de première instance est rétablie.

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

25613 **MARGARET ANN MALOTT - v. - HER MAJESTY THE QUEEN** (Ont.)(Crim.)

CORAM: The Chief Justice and L'Heureux-Dubé, Sopinka,* Cory, McLachlin, Iacobucci and Major JJ.

The appeal is dismissed.

Le pourvoi est rejeté.

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

24663 **CANDEREL LIMITED v. HER MAJESTY THE QUEEN** (Ont.)(F.C.A.)

CORAM: Gonthier, Cory, Iacobucci, Major and Bastarache JJ.

The appeal is allowed with costs throughout. The judgment of the Federal Court of Appeal is set aside and the judgment of the Tax Court of Canada restored.

Le pourvoi est accueilli avec dépens devant toutes les cours. L'arrêt de la Cour d'appel fédérale est annulé et le jugement de la Cour canadienne de l'impôt est rétabli.

25559 **TORONTO COLLEGE PARK LIMITED v. HER MAJESTY THE QUEEN** (Ont.)(F.C.A.)

CORAM: Gonthier, Cory, Iacobucci, Major and Bastarache JJ.

The appeal is allowed with costs throughout. The judgment of the Federal Court of Appeal is set aside and the judgment of the Federal Court - Trial Division restored.

Le pourvoi est accueilli avec dépens devant toutes les cours. L'arrêt de la Cour d'appel fédérale est annulé et le jugement de la Section de première instance de la Cour fédérale est rétabli.

25674 **IKEA LIMITED v. HER MAJESTY THE QUEEN** (B.C.)(F.C.A.)

CORAM: Gonthier, Cory, Iacobucci, Major and Bastarache JJ.

The appeal is dismissed with costs.

Le pourvoi est rejeté avec dépens.

APPLICATIONS FOR LEAVE / LES DEMANDES D'AUTORISATION:

26260 **THE PHARMACEUTICAL MANUFACTURERS ASSOCIATION OF CANADA - v. - THE ATTORNEY GENERAL OF BRITISH COLUMBIA** (B.C.)

CORAM: The Chief Justice and Cory and McLachlin JJ.

The application for leave to appeal is dismissed with costs.

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

26386 **CHARLES KIELING, BARRY HILDEBRANDT, HENRY HILDEBRANDT, DENNIS WIELER, RON WIELER AND FRED KIELING - v. - CANADIAN PACIFIC LTD. AND CANADIAN NATIONAL RAILWAYS LTD.** (Sask.)

CORAM: The Chief Justice and Cory and McLachlin JJ.

The motion to file lengthy argument is granted. The application for leave to appeal is dismissed with costs.

La requête visant le dépôt d'un long mémoire est accueillie. La demande d'autorisation d'appel est rejetée avec dépens.

26181 **CANADIAN IMPERIAL BANK OF COMMERCE - v. - SOVEREIGN LIFE INSURANCE COMPANY** (B.C.)

CORAM: The Chief Justice and Cory and McLachlin JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

26203 UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION, LOCAL 1288P - v. - ALLSCO BUILDING PRODUCTS LTD., A BODY CORPORATE; BLACKSMITH HOLDINGS LTD., A BODY CORPORATE CARRYING ON BUSINESS AS WAYSIDE FOUR SEASONS; LUMPLY LTD., A BODY CORPORATE; MAPLE LEAF HOMES INC., A BODY CORPORATE, AND ATLANTIC HOME IMPROVEMENTS LTD., A BODY CORPORATE (N.B.)

CORAM: The Chief Justice and Cory and McLachlin JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

26209 UNITED FOOD AND COMMERCIAL WORKERS, LOCAL 1518 - v. - KMART CANADA LTD. AND LABOUR RELATIONS BOARD OF BRITISH COLUMBIA (B.C.)

CORAM: The Chief Justice and Cory and McLachlin JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

26316/26317 ROYAL BANK OF CANADA - v. - DIRECTOR OF INVESTIGATION AND RESEARCH - and between - CANADIAN PACIFIC LIMITED AND CP CONTAINERS (BERMUDA) LIMITED - v. - DIRECTOR OF INVESTIGATION AND RESEARCH (Ont.)

CORAM: The Chief Justice and Cory and McLachlin JJ.

The applications for leave to appeal are granted.

Les demandes d'autorisation d'appel sont accordées.

26204 **BOARD OF SCHOOL TRUSTEES OF SCHOOL DISTRICT NO. 46 (SUNSHINE COAST) - v. - SUNSHINE COAST TEACHERS' ASSOCIATION, CARL ROBERT BJORNSON AND BRITISH COLUMBIA LABOUR RELATIONS BOARD** (B.C.)

CORAM: The Chief Justice and Cory and McLachlin JJ.

The application for leave to appeal is dismissed with costs.

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

26274 **THE BRITISH COLUMBIA GOVERNMENT AND SERVICE EMPLOYEES' UNION - v. - THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA AS REPRESENTED BY THE PUBLIC SERVICE EMPLOYEE RELATIONS COMMISSION** (B.C.)

CORAM: The Chief Justice and Cory and McLachlin JJ.

The application for extension of time and the application for leave to appeal are granted.

La demande de prorogation de délai et la demande d'autorisation d'appel sont accordées.

26215 **M & D FARM LIMITED, MARCEL ROBERT DESROCHERS AND DARLENE ERMA DESROCHERS - v. - THE MANITOBA AGRICULTURAL CREDIT CORPORATION** (Man.)

CORAM: The Chief Justice and Cory and McLachlin JJ.

The application for extension of time and the application for leave to appeal are granted.

La demande de prorogation de délai et la demande d'autorisation d'appel sont accordées.

26286 **CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION - v. - RUSSELL PEARSON** (Alta.)

CORAM: The Chief Justice and Cory and McLachlin JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

26284 **GEORGE FRAS v. MARIA JURKOJC, CATHY JURKOJC AND ANNA JURKOJC BY THEIR LITIGATION GUARDIAN, CAROLYN V. AMENDOLA, ANIELA JURKOJC, JAN JURKOJC, BARBARA JURKOJC AND ANNA JURKOJC** (Ont.)

CORAM: L'Heureux-Dubé, Gonthier and Bastarache JJ.

The application for leave to appeal is dismissed with costs.

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

26240 **PAUL KELLY c. SA MAJESTÉ LA REINE** (Crim.)(Qué.)

CORAM: Les juges L'Heureux-Dubé, Gonthier et Bastarache

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

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

26172 LES IMMEUBLES GASTON ET RÉJEANNE INC. c. LA CAISSE POPULAIRE DE NOTRE-DAME DE MONT-CARMEL (Qué.)

CORAM: Les juges L'Heureux-Dubé, Gonthier et Bastarache

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

The application for leave to appeal is dismissed with costs.

26173 LES IMMEUBLES GASTON ET RÉJEANNE INC. et ÉLECTRICITÉ GASTON ST-PIERRE INC. c. LA CAISSE POPULAIRE DE NOTRE-DAME DE MONT-CARMEL (Qué.)

CORAM: Les juges L'Heureux-Dubé, Gonthier et Bastarache

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

The application for leave to appeal is dismissed with costs.

26294 BALBINDERSINGH ATHWAL v. THE MINISTER OF CITIZENSHIP AND IMMIGRATION (B.C.)

CORAM: L'Heureux-Dubé, Gonthier and Bastarache JJ.

The application for leave to appeal is dismissed with costs.

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

26226 SA MAJESTÉ LA REINE c. BENOÎT GRÉGOIRE (Crim.)(Qué.)

CORAM: Les juges L'Heureux-Dubé, Gonthier et Bastarache

La demande d'autorisation d'appel est accordée.

The application for leave to appeal is granted.

26254 **HER MAJESTY THE QUEEN v. JODY KEITH DRUKEN** (Crim.)(Nfld.)

CORAM: L'Heureux-Dubé, Gonthier and Bastarache JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

26358 **L.C. v. BRIAN JOSEPH MILLS AND HER MAJESTY THE QUEEN - and between - HER MAJESTY THE QUEEN v. BRIAN JOSEPH MILLS AND L.C.** (Crim.)(Alta.)

CORAM: L'Heureux-Dubé, Gonthier and Bastarache JJ.

The motion for leave to intervene to the Attorney General of Canada and the application for leave to appeal filed on behalf of *L.C. v. Brian Joseph Mills and Her Majesty the Queen* are granted.

La demande visant à autoriser l'intervention du procureur général du Canada et la demande d'autorisation d'appel déposée par *L.C. v. Brian Joseph Mills and Her Majesty the Queen* sont accordées.

25758 **DANIEL JOHN SHYNUK - v. - HER MAJESTY THE QUEEN** (Crim.)(B.C.)

CORAM: Gonthier, Iacobucci and Major JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

26165 **ROBERT LOVELACE, on his own behalf and on behalf of the Ardoch Algonquin First Nation and Allies, the ARDOCH ALGONQUIN FIRST NATION AND ALLIES, and CHIEF KRIS NAHRGANG, on behalf of Kawartha Nishnawbe First Nation, the KAWARTHA NISHNAWBE FIRST NATION, CHIEF ROY MEANISS on his own behalf and on behalf of the Beaverhouse First Nation, and the BEAVERHOUSE FIRST NATION, CHIEF THERON MCCRADY on his own behalf and on behalf of the Poplar Point Ojibway First Nation, the POPLAR POINT OJIBWAY FIRST NATION, and the BONNECHERE METIS ASSOCIATION and BE-WAB-BON METIS AND NON-STATUS INDIAN ASSOCIATION and ONTARIO METIS ABORIGINAL ASSOCIATION v. Her Majesty the Queen in Right of Ontario, and THE CHIEFS OF ONTARIO** (Ont.)

CORAM: Cory, Iacobucci and Major JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

26102 **THE CORPORATION OF THE TOWN OF WASAGA BEACH v. MURRAY M. SINCLAIR, DAVID MCBRIDGE, BARRY ARTHUR BROWNING AND SIDNEY MCMURRAY, EXECUTORS OF THE ESTATE OF THE LATE TERRENCE E. O'NEILL, AND BARRY A. BROWNING** (Ont.)

CORAM: Iacobucci, Major and Bastarache JJ.

The application for leave to appeal is dismissed with costs.

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

26116 **MANOHAR SINGH BAL, DWARKA DOOBAY, ALBERT DREISE, PHILLIP FRIESEN, SAJJAD HANIF, MARIAN HEINEN KITS, MARVIN MACDONALD, ZEYAD SAKAA, DEOKARAN SHARMA, DARSHAN SINGH v. THE ATTORNEY GENERAL FOR ONTARIO AND THE MINISTER OF EDUCATION** (Ont.)

CORAM: Iacobucci, Major and Bastarache JJ.

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

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

26263 **HALIFAX INSURANCE COMPANY v. KYRA MCMAHON, GORE MUTUAL INSURANCE COMPANY, ANGELA GONTIER AND DEBORAH BUTLER** (Ont.)

CORAM: Iacobucci, Major and Bastarache JJ.

The application for leave to appeal is dismissed with costs.

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

26290 **THE INVESTIGATIVE TEAM OF THE CANADIAN INSTITUTE OF ACTUARIES AND THE CANADIAN INSTITUTE OF ACTUARIES v. MICHAEL H. KAPLAN, FCIA** (Alta.)

CORAM: Iacobucci, Major and Bastarache JJ.

The application for leave to appeal is dismissed with costs.

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

26295 **MUSCILLO TRANSPORT LIMITED v. BANK OF NOVA SCOTIA, TOM HIGGS AND COLIN COOK** (Ont.)

CORAM: Iacobucci, Major and Bastarache JJ.

The application for leave to appeal is dismissed with costs.

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

26113 **JOHN DYKUN - v. - JAMES H. ODISHAW** (Alta.)

CORAM: The Chief Justice and Gonthier and Major JJ.

The application for reconsideration of the application for leave to appeal is dismissed with costs.

La requête visant à obtenir le réexamen de la demande d'autorisation d'appel est rejetée avec dépens.

25985 **VICKY KARPETA v. CIRC RADIO INC.** (Ont.)

CORAM: L'Heureux-Dubé, Cory and Iacobucci JJ.

The application for reconsideration of the application for leave to appeal is dismissed and it is ordered that no further proceedings be brought in relation to this leave application.

La demande de réexamen de la demande d'autorisation d'appel est rejetée et il est ordonné qu'aucune autre procédure ne soit déposée relativement à la présente demande d'autorisation.
