

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

OTTAWA, 22/4/99. 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, 22/4/99. 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:

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

25780 **JOHN CAMPBELL and SALVATORE SHIROSE v. HER MAJESTY THE QUEEN** (Crim.)(Ont.)

CORAM: The Chief Justice and L'Heureux-Dubé, Gonthier, Cory,
McLachlin, Iacobucci, Major, Bastarache and Binnie JJ.

The appeal is allowed in part and a new trial is ordered limited to the issue of whether a stay of proceedings should be granted for abuse of process. The respondent is ordered to disclose to the appellants the materials referred to in para. 74 of the reasons in advance of the retrial.

Le pourvoi est accueilli en partie, et est ordonnée la tenue d'un nouveau procès limité à la question de savoir si la demande d'arrêt des procédures doit être accueillie pour cause d'abus de procédure. Il est ordonné à l'intimée de divulguer aux appelants les documents mentionnés au par. 74 des motifs avant la tenue du nouveau procès.

25975 **M.J.B. ENTERPRISES LTD. - v. - DEFENCE CONSTRUCTION (1951) LIMITED and the said DEFENCE CONSTRUCTION (1951) LIMITED carrying on business as DEFENCE CONSTRUCTION CANADA and the said DEFENCE CONSTRUCTION CANADA** (Alta.)

CORAM: The Chief Justice and Cory, McLachlin, Iacobucci, Major, Bastarache and Binnie JJ.

The appeal is allowed. The judgment of the Court of Appeal and the order of Rowbotham J. at trial are set aside and judgment for the appellant in the amount of \$398, 121.27 is substituted. The appellant shall have its costs here and in the courts below. The matter of the two remaining issues in dispute regarding damages is remanded to the Court of Queen's Bench of Alberta for determination.

Le pourvoi est accueilli. L'arrêt de la Cour d'appel ainsi que l'ordonnance du juge Rowbotham au procès sont infirmés et un jugement en faveur de l'appelante pour la somme de 398 121, 27 \$ est substitué. L'appelante a droit à ses dépens dans toutes les cours. La question des deux derniers points litigieux relatifs aux dommages-intérêts est renvoyée devant la Cour du Banc de la Reine de l'Alberta pour qu'elle la tranche.

APPLICATIONS FOR LEAVE / LES DEMANDES D'AUTORISATION:

26898 **NEIL GRANDMAISON, CHRISTINA KHOURY, VICTOR CAMARA - v - HER MAJESTY THE QUEEN** (Crim.)(B.C.)

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

26904 **ANGELA ARAUJO AND SPENCER LESLIE - v - HER MAJESTY THE QUEEN** (Crim.)(B.C.)

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

26899 **ROBERT JENKINS, TIFFANY MURIEL LESLIE - v - HER MAJESTY THE QUEEN** (Crim.)(B.C.)

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

26968 **JOLENE IRONS - v - HER MAJESTY THE QUEEN** (Crim.)(B.C.)

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

26943 **KEVIN LATHANGUE - v - HER MAJESTY THE QUEEN** (Crim.)(B.C.)

CORAM: The Chief Justice and McLachlin and Iacobucci 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 - and between - THE CORPORATION OF THE CITY OF VICTORIA - v - PACIFIC NATIONAL INVESTMENTS LTD.** (B.C.)

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal and the application for leave to cross- appeal are granted.

La demande d'autorisation d'appel et la demande d'autorisation d'appel incident sont accordées.

26529/24748 **DOUG FRENCH, DONNA FRENCH, DAN MAHAFFY AND DEBORAH MAHAFFY - v - HER MAJESTY THE QUEEN AND PAUL KENNETH BERNARDO (ACCUSED) - and between - THE ESTATE OF KRISTEN FRENCH, DECEASED, BY THE PERSONAL REPRESENTATIVES OF SAID ESTATES, DOUG FRENCH AND DONNA FRENCH, DOUG FRENCH AND DONNA FRENCH, AND THE ESTATE OF LESLIE MAHAFFY, DECEASED, BY THE PERSONAL REPRESENTATIVES OF SAID ESTATE, DAN MAHAFFY AND DEBORAH MAHAFFY, DAN MAHAFFY AND DEBORAH MAHAFFY - v - THE ATTORNEY GENERAL FOR ONTARIO - and between - DOUG FRENCH, DONNA FRENCH, DAN MAHAFFY AND DEBORAH MAHAFFY- v - HER MAJESTY THE QUEEN AND PAUL KENNETH BERNARDO (ACCUSED)** (Crim.)(Ont.)

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The applications for leave to appeal, the motion for reconsideration and the motion to file additional material are dismissed. The Appellants' request that the Court view the videotapes, as well as their request for an oral hearing, are denied.

Les demandes d'autorisation d'appel et les requêtes visant à obtenir un nouvel examen et à déposer des documents supplémentaires sont rejetées. La demande des appelants que la Cour visionne les vidéocassettes ainsi que leur demande d'audition sont rejetées.

27072 **HER MAJESTY THE QUEEN - v. - BARRY LOWNS** (Crim.)(B.C.)

CORAM: The Chief Justice and McLachlin and Iacobucci JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

27109 **J.C. - v - HER MAJESTY THE QUEEN AND DAVID EDWARD MCCLURE** (Crim.) (Ont.)

CORAM: The Chief Justice and McLachlin and Iacobucci 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.

26683 **VINCENT LORE v. HER MAJESTY THE QUEEN** (Crim.)(Que.)

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

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

La demande de prorogation de délai est accordée et les demandes d'autorisation d'appel sont rejetées.

27013 **HER MAJESTY THE QUEEN v. D. D.** (Crim.)(Ont.)

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

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

26939 **SA MAJESTÉ LA REINE c. RENAUD LÉVESQUE** (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.
