

**SUPREME COURT OF CANADA -- JUDGMENTS IN LEAVE APPLICATIONS**  
OTTAWA, 4/10/01. 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, 4/10/01. 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

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

28614

Valerie Jennifer Askoty, April Joan Askoty, Keith Chipesia, Carol Dawn Monkman, Rita Rosie Glover, Sandra Rose Glover, Wayne Herbert Glover, Julie Joan Courtoreille on her own behalf and as guardian ad litem on behalf of her infant children, Clayton Joseph Courtoreille, Janneke Ashley Courtoreille and Dakota Ray Courtoreille, Tammy Lin Courtoreille on her own behalf and as guardian ad litem on behalf of her daughter Natika Lin Piehl, Evelynn Caroline Bilotta, Bonnie Leigh Belcourt, April Calliou, Betty Sue Irene Calliou, Brenda Lorraine Calliou, Candice Kathleen Calliou, Carl Robert Calliou, Christopher John Calliou, Constance Frances Calliou, Dwayne Calliou, Gwen Calliou, Loretta Ann Calliou, Maria Isabel Calliou, Michelle Ann Calliou, Mona Lisa Calliou, Norah Marguerite Calliou, Pamela Joan Calliou, Priscilla Calliou, Sidney Joseph Calliou, Tania Mildred Calliou, Caroline Campbell, Dezmar Campbell, Gerri Maralyn Campbell, Glenda Sharon Campbell, Lyle Edward Campbell, Frances Rose Cross, Mary Cryingman, Allison Marjorie Gauthier, Claire Dean Gauthier, Clifford Curtis Gauthier, Crystal Lillian Gauthier, Derald Patrick Gauthier, Dorothy Beatrice Gauthier, Eldon Albert Gauthier, Geraldine Ann Gauthier, Jessica Claire Gauthier, Kimberly Sandra Gauthier, Lillian Maggy Gauthier, Lynn Mavis Gauthier, Myron Frederick Gauthier, Norma Mary Gauthier, Oliver Patrick Gauthier, Rhonda Lea Gauthier, Stella Ivy Gauthier, Alfred Ernest Gladue, Charlene Gladue, Charlotte Ann Gladue, Jean Isabel Gladue, Kevin Gladue, Norah Marguerite Gladue, Riel Francis Gladue, Shane Beau Gladue, Wendy Noreen Gladue, Beverly Ann Greenwood, Albert Hamelin, Trevor Hoffman, Bert Lawrence Horseman, Jacqueline Hunter, Brandy Elaine Lenko, Blaine Edward Letendre, Donna Mae Letendre, Earl Letendre, Kathleen Rachel Letendre, Shirley Rose Letendre, Tina Marie Letendre, Winona Darlene Letendre, Bernadine Elvira Ramstead, Laverne Shade, Corrine Sharon Shearer, Cindy Skwarchuk, Annie Elizabeth Supernault, Stella Supernault, Tamara Supernault, Lisa Marie Taylor, Nicole Lynn Taylor, Patrick Derald Taylor, Jennifer Rachel Wynn and Lana Zatelny - v. - Joseph Apsassin, Chief of the Blueberry River Indian Band and Jerry Attachie, Chief of the Doig Indian River Band, on behalf of themselves and all other members of the Doig River Indian Band and the Blueberry River Indian Band AND Her Majesty the Queen in right of Canada as represented by the Department of Indian Affairs and Northern Development and the Director of the Veterans Land Act - and between - Bradley Wayne Courtoreille on his own behalf and as guardian ad litem on behalf of his daughter Anna Marie Kimberlee Courtoreille, Daniel George Green on his own behalf and as Guardian ad litem, on behalf of his infant children, Daniel Frances Wells-Green, Alexander Peter Wells-Green, and Katia Rose Wells-Green, Allan Blayne Green and Korey Allan Green as guardians ad litem on behalf of their child, Brett Aaron Green, Walter Francis Green, Rose Ann Lessing, her children, Brett William Green, Erika Joanne Derosé and Bryan Paul Lessing, Rose Ann Lessing as guardian ad litem on behalf of her grandchildren, Trent Robert Green, Terrence Leonard Green, Amanda Louise Green and Jordan, Ziffra Catherine Derosé, Theresa Rosanna (Green) De La Ronde, her children, Valerie Theresa De La Ronde, Charles Lance De La Ronde, Deborah Elise De La Ronde, Sharon Lori (De La Ronde) McLeod, Kevin John De La Ronde and Eldon Henry De La Ronde, Theresa Rosanna (Green) De La Ronde as guardian ad litem on behalf of her grandchildren, Cherina Dawn Cooke, Gavin John De La Ronde, Rochelle Elise Dinah De La Ronde, Landon Charles Avramavic, Cole Jacob Avramavic, Jeremy John McLeod and Tyler

Mason MacLeod, Thomas Cecil Green, his children, Colin Brady Green, Cheryl Lea (Green) Frank, Tracy Alison (Green) Lefferson, Thomas Cecil Green as guardian ad litem on behalf of his grandchildren, Emily Rachel Green, Travis Dean Frank, Troy Curtis Frank and Haley Rose Lefferson, Robert John Green on behalf of his children, James Walter Green and Jodi Lorraine (Green) Hingley, Robert John Green as guardian ad litem on behalf of his grandchildren, Jesse Robert Green, Skylar Lee Green, Jeremy Joseph Hingley, Paige Elaine Hingley, William Darryl Green, on behalf of his children, Joseph Shane Green and Jacquelyn Marie Green, Bradley Charles Green, Andrea Dawn Belcourt, Barb Vickie Belcourt, Curtis Tyrel Belcourt, Reign Alice Dawn Belcourt, Shannon Margaret Kathleen Belcourt, Cecile Martha Letendre, Cristina Rae Letendre, Clark Edward Letendre, Clayton Dennis Letendre, Clifton Ashley Letendre, Clinton Wayne Letendre, Colin George Letendre, Corey Isadore Letendre, Jalenna Brianne Letendre, Jana Cecile Letendre, Janelle Katelyn Paige Letendre, Laura Annie Letendre, Mallory Lane Letendre, Mason Anthony Ronald Letendre, Sheila Lou Letendre, Sherry Ann Wanda Letendre, Vyrel Glenda Noland, Alvina Joanna Supernant - v. - Joseph Apsassin, Chief of the Blueberry River Indian Band and Jerry Attachie, Chief of the Doig Indian River Band, on behalf of themselves and all other members of the Doig River Indian Band and the Blueberry River Indian Band, Her Majesty the Queen in right of Canada as represented by the Department of Indian Affairs and Northern Development and the Director of the Veterans Land Act - and between - Bella Kucinsky on her own behalf and as guardian ad litem on behalf of her children, Christopher Richard Wolter, Cynthia Wanda Wolter, Daniel John Kucinsky, Albert Achla, Cecil Achla, Coleen Ellen Achla on her own behalf and as guardian ad litem on behalf of her children, Shania Margaret Davis, Annette Davis, Tamara Ellen Ann Davis, David Achla, Edward Achla, Eunice Achla, Fredrick Raymond Achla, on his own behalf and as guardian ad litem on behalf of his child, Michelle Debra Jean Achla; John Achla, Norman Wesley Achla, Allan Rufus Apsassin, Junior Clifford Jimmy Darrell Apsassin, on his own behalf as guardian ad litem on behalf of his children, Dakota Rae Apsassin and Taelor Rebecca Apsassin, Keith Stewart Apsassin, on his own behalf and as guardian ad litem on behalf of his children, Ethan Cam Apsassin and Tanner Eli Phillip Apsassin, Janice Joan Askoty, as guardian ad litem on behalf of her child, Ross Johnnie Rider Askoty, Clayton Jack Askoty, Bruce Murray Attachie, Stewart Cameron, as guardian ad litem on behalf of the infants, Ashley Victoria Maas and Taylor Alexis Mayo, Darlene Marena Chipesia on her own behalf and as guardian ad litem on behalf of her children, Stella Chipesia, Wade Chipesia, Ashley Chipesia, Lana Chipesia and Jann Chipesia, Jerry Chipesia, Joseph James Chipesia, Judy Lynn Chipesia, Kathryn Chipesia on her own behalf and as guardian ad litem on behalf of her child, Barrington Chipesia, Loretta Chipesia on her own behalf and as guardian ad litem on behalf of her children, Jamie Dawn Tsakoza, Rodney Leroy Chipesia, Leon Jorge Chipesia, Tanya Shavon Chipesia and Kerry Lindy Chipesia, Patricia Chipesia, Lorna Samantha Cochrane, Anne Lenore Davis on her own behalf and as guardian ad litem on behalf of her children, Raven Dawn Davis, Ryan Scott Lussier, Dinah Helen Davis on her own behalf and as guardian ad litem on behalf of her children, Conrad Clayton Davis, Chance Little Feather Davis, Cole Daniel Murray Davis and Alexander Junior Clifford Davis, Annie Field, Darlene Field on her own behalf and as guardian ad litem on behalf of her children, Diane Wendy Field, Belinda Dixie Roberta Field and Dustin Bernard George Joseph Courtoreille, Frances Field as guardian ad litem on behalf of her children, Florence Field, Ralph Achla and Shane Achla, Jason Field, Marilyn Fox on her own behalf and as guardian ad litem on behalf of her child, Ashley Jamie Fox, Raymond Fox, Rita Fox on her own behalf and as guardian ad litem on behalf of her children, Brent Clayton James Fox and Trenton Kelsey Amos Fox, Debbie Lori Hansen on her own behalf and as guardian ad litem on behalf of her children, Laura Michelle Hansen and Allan Lee Hansen, Lee Hunter, Edna Jean Johnson on her own behalf and as guardian ad litem on behalf of her children, Blain Alexander Yahey, Grant Byron Kyle Johnson and Kendall Dion Johnson, Aaron Dennis Metecheah, Alice Metecheah on her own behalf and as guardian ad litem on behalf of her child, Amanda Lynn Metecheah, Bernard Metecheah on his own behalf and as guardian ad litem on behalf of his children, Jennifer Field, Kirby Leslie Field, William Daniel Field, and as guardian ad litem on behalf of his granddaughter, Selena Field, Charlene Amy Metecheah, Dalphus Jason Metecheah, Elvis Darin Metecheah, Jeffrey Jake Metecheah, Katie Metecheah on her own behalf and as guardian ad litem on behalf of her children, Shantel Sally Metecheah, Travis Alex

Metecheah and Jeremy Rene Metecheah, Maizie Mary Metecheah, Joyce Morin on her own behalf and as guardian ad litem on behalf of her children, Gavin Andrew James Morin, Jonathon Kirk Achla Morin, Micheala Joy Marie Morin and Sabrina Jane Morin, Edna Mary St. Pierre on her own behalf and as guardian ad litem on behalf of her child, Tayte Wesley St. Pierre, Karen Julie St. Pierre, Beverly Maureen Stager on her own behalf and as guardian ad litem on behalf of her children, Teesha Marie Stager and Nicole Ann Stager, Anice Ann Wokely, Jasper Wokely, Joseph Francis Wokely, Lois Wokely, Lori Ann Wokely on her own behalf and as guardian ad litem on behalf of her child, Michael James Pouce Coupe, Luanna Wokely on her own behalf and as guardian ad litem on behalf of her children, Alvina Davis and Irvin Wokely, Melvin Wokely, Norma Ruby Wokely, Richard Oscar Wokely, Sherry Wokely on her own behalf and as guardian ad litem on behalf of her child, Newitin Barnard Apsassin-Wokely, Stephanie Merle Wokely, Frederick Wolf, Mary Wolf, Evelyn Wolter on her own behalf and as guardian ad litem on behalf of her child, Jordyn Chelsea Pauline Wolter, Adam Carrier, Deanna Carrier, Nathan Carrier, Allen Green, The Estate of Emil Charles Green, Donna MacDonald, Lindsay MacDonald, Colleen MacTavish, Lisa MacTavish, Meagan MacTavish, Joyce Price and Don Paul - v. - Joseph Apsassin, Chief of the Blueberry River Indian Band and Jerry Attachie, Chief of the Doig Indian River Band, on behalf of themselves and all other members of the Doig River Indian Band and the Blueberry River Indian Band AND Her Majesty the Queen in right of Canada as represented by the Department of Indian Affairs and Northern Development and the Director of the Veterans Land Act (FC) (Civil)

CORAM: The Chief Justice, Major and Bastarache JJ.

The applications for leave to appeal are dismissed.

Les demandes d'autorisation d'appel sont rejetées.

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**28540** American International Assurance Life Company Ltd. and American Life Insurance Company - v. - Dorothy Martin (B.C.) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

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**28630** Jerry Van Unen - v. - Workers' Compensation Board (B.C.) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache 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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**28550** Northwood Inc. - v. - Forest Practices Board (B.C.) (Civil)

CORAM: The Chief Justice, Iacobucci and Bastarache JJ.

The application for leave to appeal is dismissed with costs.

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

**28570**            **Co.Dé.Ma. Consultant en Développement Maraîcher Inc. - c. - Banque Nationale du Canada et Assurance-vie Banque Nationale** (Qué.) (Civile)

CORAM:            Le Juge en chef et les juges Iacobucci et Bastarache

La demande d'autorisation d'appel est rejetée avec dépens en faveur des intimées Banque Nationale du Canada et Assurance-vie Banque Nationale.

The application for leave to appeal is dismissed with costs to the respondents National Bank of Canada and National Bank Life Insurance Company.

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**28293**            **Jeanette Dechant - v. - The Law Society of Alberta** (Alta.) (Civil)

CORAM:            The Chief Justice, Iacobucci and Bastarache JJ.

The motion for extension of time is granted. The application for leave to appeal and all other related ancillary motions are dismissed.

La demande de prorogation de délai est accordée. La demande d'autorisation d'appel et toutes les autres requêtes accessoires sont rejetées.

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**28440**            **RJR-MacDonald Inc. - v. - Her Majesty the Queen** (FC) (Civil)

CORAM:            The Chief Justice, Iacobucci and Bastarache 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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**28515**            **Jean-Marie Pelletier - c. - André Dionne - et - Jules Lévesque** (Qué.) (Civile)

CORAM:            Le Juge en chef et les juges Iacobucci et Bastarache

La demande d'autorisation d'appel est rejetée. Aucune ordonnance ne sera rendue quant aux dépens.

The application for leave to appeal is dismissed. There shall be no order as to costs.

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**28670**            **Eric Juri Miglin - v. - Linda Susan Miglin** (Ont.) (Civil)

CORAM:            The Chief Justice, Iacobucci and Bastarache JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

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**27848**            **Uwe Schweneke - v. - Her Majesty the Queen in the Right of Ontario, Ministry of Education, Ministry of Intergovernmental Affairs, Attorney General for Ontario, G.R. Taylor, Douglas A. Swackhammer, Graig H. Slater, Horst Intscher, Kim Twohig and Alan Wolfish** (Ont.) (Civil)

CORAM:            L'Heureux-Dubé, Bastarache 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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**28536**            **Jocelyne Viel - c. - Commission de l'assurance-emploi** (CF) (Civile)

CORAM:            Les juges L'Heureux-Dubé, Arbour et LeBel

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

The application for leave to appeal is dismissed with costs.

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**28479**            **Sébastien Brousseau - v. - Barreau du Québec and Professions Tribunal** (Que.) (Civil)

CORAM:            L'Heureux-Dubé, Arbour and LeBel JJ.

The application for leave to appeal is dismissed with costs to the respondent Barreau du Québec.

La demande d'autorisation d'appel est rejetée avec dépens en faveur de l'intimé Barreau du Québec.

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**28654**            **James Chamberlain, Murray Warren, Diane Wilcott, Blaine Cook, by his Guardian Ad Litem, Sue Cook and Rosamund Elwin - v. - The Board of Trustees of School District # 36 (Surrey)** (B.C.) (Civil)

CORAM:            L'Heureux-Dubé, Arbour and LeBel JJ.

The application for an extension of time is granted. The application for leave to appeal is granted with costs to the applicants in any event of the cause.

La demande de prorogation de délai est accordée. La demande d'autorisation d'appel est accordée avec dépens en faveur des demandeurs quelle que soit l'issue du pourvoi.

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**28516**            **Estate of Mary Theresa McCunn by Her Executor P. Donald McCunn - v. - Canadian Imperial Bank of Commerce and Mutual Life Assurance Company of Canada** (Ont.) (Civil)

CORAM:            Gonthier, Major and Binnie JJ.

The application for leave to appeal is granted with costs to the applicant in any event of the cause.

La demande d'autorisation d'appel est accordée avec dépens en faveur de la demanderesse quelle que soit l'issue du pourvoi.

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**28533**            **Her Majesty the Queen - v. - Steve Powley and Roddy Charles Powley** (Ont.) (Criminal)

CORAM:            Gonthier, Major and Binnie JJ.

The application for leave to appeal is granted.

La demande d'autorisation d'appel est accordée.

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**28132**            **Richard Anthony Sandover-Sly - v. - Her Majesty the Queen** (B.C.) (Criminal)

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

Pursuant to Section 43 (1.1) of the *Supreme Court Act* this case is remanded to the Court of Appeal of British Columbia in order that it may reconsider, in light of Section 86 of the *Fisheries Act*, its decision that it did not have jurisdiction.

Conformément au paragraphe 43 (1.1) de la *Loi sur la Cour suprême*, la présente affaire est renvoyée à la Cour d'appel de la Colombie-Britannique pour qu'elle réexamine, à la lumière de l'art. 86 de la *Loi sur les pêches*, sa décision selon laquelle elle n'avait pas compétence.

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