

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

OTTAWA, 23/5/02. 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, 23/5/02. 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

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

APPEALS / APPELS:

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

27860 **Brian J. Stewart - v. - Her Majesty the Queen** (F.C.) (Civil)
2002 SCC 46 / 2002 CSC 46

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

The appeal is allowed with costs throughout. The judgment of the Federal Court of Appeal is set aside. The assessments for the taxation years in issue are referred back to the Minister for reassessment.

L'appel est accueilli avec dépens devant toutes les cours. L'arrêt de la Cour d'appel fédérale est infirmé. Les cotisations pour les années d'imposition en cause sont renvoyées au ministre pour qu'il établisse de nouvelles cotisations.

27724 **Her Majesty the Queen - v. - Jack Walls and Robert Buyver** (F.C.) (Civil)
2002 SCC 47 / 2002 CSC 47

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

The appeal is dismissed with costs.

L'appel est rejeté avec dépens.

28093 **FAMILY INSURANCE CORPORATION v. LOMBARD CANADA LTD. - and- CANADIAN UNIVERSITIES RECIPROCAL INSURANCE EXCHANGE** (B.C.)
2002 SCC48 / 2002 CSC 48

CORAM: McLachlin C.J. and Gonthier, Iacobucci, Major, Bastarache, Binnie and Arbour JJ.

The appeal is allowed and the trial judge's decision is restored, with costs to the appellant throughout.

L'appel est accueilli et la décision de première instance est rétablie, l'appelante ayant droit aux dépens devant toutes les cours.

28062 **Her Majesty the Queen in right of Canada, as represented by the Minister of National Revenue -v.- First Vancouver Finance -and- Great West Transport Ltd.** (Sask.) (Civil)
2002 SCC 49 / 2002 CSC 49

CORAM: The Chief Justice, Gonthier, Iacobucci, Major, Bastarache, Binnie and LeBel JJ.

The appeal is dismissed with costs.

L'appel est rejeté avec dépens.

28068 **CLAYTON FENSOM - and - TRAILWAYS TRANSPORTATION GROUP, INC. - v. - DERYK J. KENDALL, GRANT A. RICHARDS, DARREN T. HAGEN, RANDY K. KATZMAN, D. ROGER ARNOLD, GREG M. KUSE, ROBERT H. GOODMAN, JAY D. WATSON and F. NEIL TURCOTT, operating a partnership under the name of CUELENAERE, KENDALL, KATZMAN & RICHARDS, and RONALD MILLER** (Sask.)
2002 SCC 50 / 2002 CSC 50

CORAM: The Chief Justice and Gonthier, Iacobucci, Major, Bastarache, Binnie, and LeBel JJ.

The appeal is allowed and the judgment of the Saskatchewan Court of Appeal is set aside. The stated question is answered by finding that s. 88(1) of the Saskatchewan *Highway Traffic Act* applies to the plaintiff's case against the appellants Fensom and Trailways Transportation Group Inc. The appellants will have their costs in this Court and in the courts below.

L'appel est accueilli et l'arrêt de la Cour d'appel de la Saskatchewan est annulé. La Cour répond à la question énoncée en concluant que le par. 88(1) de la *Highway Traffic Act* de la Saskatchewan s'applique à l'action que la demanderesse a intentée contre les appelants Fensom et Trailways Transportation Group Inc. Les appelants ont droit aux dépens tant devant notre Cour que devant les cours d'instance inférieure.

APPLICATIONS FOR LEAVE / LES DEMANDES D'AUTORISATION:

28273 **Her Majesty the Queen - v. - Thomas Allen and Edward Milewski** (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.

29000 **Brother Pascal Rowland, Brother Anthony Murphy, Brother Kieran Murphy and Brother J. Barry Lynch, St. Thomas More Collegiate Ltd. and John Burnell, Vancouver College Limited - v. - The Roman Catholic Archdiocese of Vancouver, represented by Most Rev. Adam Exner, on his own behalf and on behalf of all members of the Roman Catholic Archdiocese of Vancouver, The Christian Brothers of Ireland in Canada (in liquidation), The Attorney General of British Columbia, The Attorney General for Newfoundland, Vancouver College Foundation, Vancouver College Parents Association, Vancouver College Alumni Association, and Representative counsel for persons having claims as a result of physical, sexual, emotional assault or abuse or who otherwise have tort claims in the liquidation, appointed by the Ontario Court of Justice in the matter of the Winding-up of the Christian Brothers of Ireland in Canada** (B.C.) (Civil)

CORAM: The Chief Justice, Iacobucci and Major JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

29009 **Kevin H. Grotheim - v. - Her Majesty the Queen** (Sask.) (Criminal)

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

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

28902 **Istvan Szebenyi Jr. and Gizella Szebenyi - v. - Her Majesty the Queen** (FC) (Civil)

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

The application for leave to appeal is dismissed with costs.

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

28917 **Lindo Palmer - v. - Karen Wheaton** (Nfld.) (Civil)

CORAM: Gonthier, Major and LeBel JJ.

The application for leave to appeal is dismissed with costs.

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

28956 **Phillip Ofume - v. - Nova Scotia Department of Education and The Nova Scotia Labour Standards Tribunal** (N.S.) (Civil)

CORAM: Gonthier, Major and LeBel JJ.

The ancillary motions are granted and the application for leave to appeal is dismissed without costs.

Les requêtes accessoires sont accordées et la demande d'autorisation d'appel est rejetée sans dépens.

29019 **Samuel Sheppard - v. - Her Majesty the Queen** (Ont.) (Criminal)

CORAM: Gonthier, Major and LeBel JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

29014 **M.C.G. - v. - Her Majesty the Queen** (Man.) (Criminal)

CORAM: Gonthier, Major and LeBel JJ.

The application for leave to appeal is dismissed.

La demande d'autorisation d'appel est rejetée.

28929 **Group Qualité Lamèque Ltée / Lameque Quality Group Ltd. - v. - A/S Nyborg Plast** (N.B.) (Civil)

CORAM: Gonthier, Major and LeBel JJ.

The application for leave to appeal is dismissed with costs.

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

29070 **Phil Lajeunesse, operating as "Prince Albert Northern Bus Repair" (Northern Bus Repair Centre Inc.) - v. - Wahpeton Dakota First Nation and Lorne Waditaka** (Sask.) (Civil)

CORAM: Gonthier, Major and LeBel JJ.

The application for leave to appeal is dismissed with costs.

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

27958 **Vancouver College Limited, St. Thomas More Collegiate Ltd., Representative Counsel for the Charitable Objects of the Christian Brothers of Ireland, John Burnell - v. - The Christian Brothers of Ireland in Canada (in liquidation), Representative Counsel for Persons Having Claims as a Result of Physical, Sexual or Emotional Assault or Abuse or Who Otherwise Have Tort Claims in the Liquidation and The Attorney General for Newfoundland and Labrador** (Ont.) (Civil)

CORAM: The Chief Justice, Iacobucci and Major JJ.

The application for reconsideration is dismissed.

La demande de réexamen est rejetée.
