

SUPREME COURT OF CANADA -- JUDGMENTS IN APPEALS

OTTAWA, 2005-10-21. THE SUPREME COURT OF CANADA HAS TODAY DEPOSITED WITH THE REGISTRAR JUDGMENTS IN THE FOLLOWING APPEALS. FROM: SUPREME COURT OF CANADA (613) 995-4330

COUR SUPRÊME DU CANADA -- JUGEMENTS SUR APPELS

OTTAWA, 2005-10-21. LA COUR SUPRÊME DU CANADA A DÉPOSÉ AUJOURD'HUI AUPRÈS DE LA REGISTRAIRE LES JUGEMENTS DANS LES APPELS SUIVANTS.

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

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

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

<http://www.lexum.umontreal.ca/csc-scc/en/rec/html/2005scc057.wpd.html>

<http://www.lexum.umontreal.ca/csc-scc/fr/rec/html/2005csc057.wpd.html>)

30125 - 30127 **David Hilewitz v. Minister of Citizenship and Immigration - and - Canadian Association for Community Living and Ethno-Racial People with Disabilities Coalition of Ontario - and between - Dirk de Jong v. Minister of Citizenship and Immigration - and - Canadian Association for Community Living and Ethno-Racial People with Disabilities Coalition of Ontario** (F.C.) (Civil) (By leave) **2005 SCC 57 / 2005 CSC 57**

Coram: McLachlin C.J. and Major, Bastarache, Binnie, LeBel, Deschamps, Fish, Abella and Charron JJ.

The appeals from the judgments of the Federal Court of Appeal, Numbers A-560-02 (2003 FCA 420) and A-649-02 (2003 FCA 422), dated November 12, 2003, heard on February 8, 2005, are allowed with costs throughout, and both applications are referred to the Minister for reconsideration and redetermination by different visa officers, LeBel and Deschamps JJ. dissenting.

Les appels interjetés contre les arrêts de la Cour d'appel fédérale, numéros A-560-02 (2003 CAF 420) et A-649-02 (2003 CAF 422), en date du 12 novembre 2003, entendus le 8 février 2005, sont accueillis avec dépens dans toutes les cours. Les deux demandes sont renvoyées au ministre pour réexamen et nouvelle décision par d'autres agents des visas. Les juges LeBel et Deschamps sont dissidents.

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

<http://www.lexum.umontreal.ca/csc-scc/en/rec/html/2005scc058.wpd.html>

<http://www.lexum.umontreal.ca/csc-scc/fr/rec/html/2005csc058.wpd.html>)

30176 **Frederick Leroy Barney v. Her Majesty the Queen in Right of Canada, as represented by the Minister of Indian Affairs and Northern Development, and the United Church of Canada - and between - Her Majesty the Queen in Right of Canada as represented by the Minister of Indian Affairs and Northern Development v. United Church of Canada, R.A.F., R.J.J., M.L.J., M.W. (2), Frederick Leroy Barney and Patrick Dennis Stewart - and - Assembly of First Nations, Women's Legal Education and Action Fund, Native Women's Association of Canada and DisAbled Women's Network of Canada** (B.C.) (Civil) (By leave) **2005 SCC 58 / 2005 CSC 58**

Coram: McLachlin C.J. and Major, Bastarache, Binnie, LeBel, Deschamps, Fish, Abella and

Charron JJ.

The appeal of Frederick Leroy Barney from the judgment of the Court of Appeal for British Columbia (Vancouver), Docket Numbers CA024796, CA028840, CA028841, CA028844, CA028845, CA028846, CA028847, CA028848 and CA028853, dated December 10, 2003, heard on May 16, 2005, is dismissed and the appeal of Canada is allowed in part. The judgment of the trial judge on the issues of joint vicarious liability against the United Church and Canada, and assessment and apportionment of damages, is restored. The judgment of the Court of Appeal on the issue of charitable immunity is set aside. The Court of Appeal's award to Mr. Barney for loss of future earning opportunity is upheld. Each party is to bear its own costs.

L'appel de Frederick Leroy Barney interjeté contre l'arrêt de la Cour d'appel de la Colombie-Britannique (Vancouver), numéros CA024796, CA028840, CA028841, CA028844, CA028845, CA028846, CA028847, CA028848 et CA028853, en date du 10 décembre 2003, entendu le 16 mai 2005, est rejeté et l'appel du Canada est accueilli en partie. Le jugement de première instance est rétabli en ce qui concerne la responsabilité solidaire du fait d'autrui de l'Église unie et du Canada, ainsi que la détermination et la répartition des dommages-intérêts. Le jugement de la Cour d'appel est annulé quant à l'exonération d'un organisme de bienfaisance. Sa décision d'accorder à M. Barney une indemnité pour la perte de capacité de gain ultérieure est confirmée. Chaque partie assumera ses propres dépens.