

**SUPREME COURT OF CANADA**

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| **Citation:** S.H. *v.* Quebec (Emploi et Solidarité sociale), 2015 SCC 66, [2016] 1 S.C.R. 3 | **Reference of a matter heard:** October 13, 2015  **Order:** October 13, 2015  **Docket:** 36674 |

Between:

S.H.

Appellant

and

Ministère de l’Emploi et de la Solidarité sociale,

Centre local d’emploi de Sainte-Foy, Stéphanie Paquet,

Johanne Dufour and Centre de formation de Québec inc.

Respondents

**Coram:** Cromwell J.

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| **Reasons for Order:**  (paras. 1 to 7) | Cromwell J. |

S.H. *v.* Quebec (Emploi et Solidarité sociale), 2015 SCC 66, [2016] 1 S.C.R. 3

S.H. Applicant

v.

Ministère de l’Emploi et de la Solidarité sociale,

Centre local d’emploi de Sainte-Foy, Stéphanie Paquet,

Johanne Dufour and Centre de formation de Québec inc. Respondents

Indexed as: S.H. *v.* Quebec (Emploi et Solidarité sociale)

2015 SCC 66

File No.: 36674.

2015: October 13.

Present: Cromwell J.

reference of a matter to a judge

Civil procedure — Supreme Court of Canada — Filing of documents by applicant — Matter referred to judge by Registrar — Power of Registrar to refuse document that does not comply with Rules of Court — Documents do not comply with Rules and must be returned by Registrar — Rules of the Supreme Court of Canada, SOR/2002-156, rr. 8(2), 19(2)(a).

**Statutes and Regulations Cited**

*Canadian Charter of Rights and Freedoms*.

*Charter of human rights and freedoms*, CQLR, c. C‑12.

*Code of Civil Procedure*, CQLR, c. C‑25, arts. 5, 26, 54.1.

*Rules of the Supreme Court of Canada*, SOR/2002‑156, rr. 8(2), 13, 19(2)(*a*), 33(*b*).

*Supreme Court Act*, R.S.C. 1985, c. S‑26, ss. 28, 43(1.2), 61.

REFERENCE of a matter to a judge by the Registrar. Order directing the Registrar to return the documents filed by the applicant.

S.H., on his own behalf.

Jennifer Tremblay, for the respondents ministère de l’Emploi et de la Solidarité sociale, Centre local d’emploi de Sainte-Foy, Stéphanie Paquet and Johanne Dufour.

MihneaBantoiu, for the respondent Centre de formation de Québec inc.

The following is the order delivered by

[1] Cromwell J. — On February 12, 2015, the Registry received from S.H. a document titled [translation] “Notice of Appeal as of Right” concerning four judgments in civil matters. In that document, S.H. referred to a number of statutory provisions that, according to him, authorized an appeal to the Court. He invoked, for example, ss. 28 and 61 of the *Supreme Court Act*, R.S.C. 1985, c. S‑26, arts. 5, 26 and 54.1 of the Quebec *Code of Civil Procedure*, CQLR, c. C‑25, the *Canadian Charter of Rights and Freedoms* and the Quebec *Charter of human rights and freedoms*, CQLR, c. C‑12.

[2] The Registry wrote to S.H., informing him that no appeal lay to this Court from the decisions in question unless the Court were to grant him leave to appeal. It requested that he file a notice of application for leave to appeal, four copies of his documents, which were to be treated as an application for leave to appeal in the circumstances, and a copy of Form 23A. S.H. instead submitted a request for an oral hearing pursuant to s. 43(1.2) of the *Supreme Court Act*. Appended to it was a document that was purportedly a notice of application for leave to appeal.

[3] S.H.’s two documents have yet to be accepted for filing, and the matter has been referred to me by the Registrar pursuant to Rule 13 of the *Rules of the Supreme Court of Canada*, SOR/2002‑156.

[4] The documents must be refused for filing pursuant to Rules 8(2) and 19(2)(*a*).

[5] The document titled “Notice of Appeal as of Right” does not comply with Rule 33(*b*), which is intended to ensure that minimum standards are met so that the Registrar may properly assist the Court in managing its docket. To accept a notice of appeal for filing under Rule 19(2)(*a*), the Registrar must be satisfied that, at the very least, the provision or provisions mentioned in the document provide for an appeal to the Supreme Court of Canada. If they do not, the Registrar is entitled to refuse the document for filing pursuant to Rules 8(2) and 19(2)(*a*) on the basis that it does not comply with the *Rules*.

[6] As for the document titled [translation] “Request for an Oral Hearing”, given that such a request can only be made in the context of an application for leave to appeal to the Court, it too must be refused for filing. Although it includes, as Annex H, a purported notice of application for leave to appeal, the notice of application for leave to appeal does not comply with the *Rules*’ requirements for applications for leave to appeal. A notice of application for leave to appeal must set out the section of the Act under which the application for leave is made; it must set out grounds for leave to appeal and it must identify the judgment from which the applicant is seeking to appeal. The notice at Annex H does not contain this required information.

[7] The Registrar shall return the materials to S.H.

*Order accordingly.*

S.H., on his own behalf.

Solicitors for the respondents ministère de l’Emploi et de la Solidarité sociale, Centre local d’emploi de Sainte-Foy, Stéphanie Paquet and Johanne Dufour: Chamberland, Gagnon, Québec.

Solicitors for the respondent Centre de formation de Québec inc.: Létourneau & Gagné, Québec.