

**SUPREME COURT OF CANADA**

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| **Citation** : Christensen*v.* Roman Catholic Archbishop of Québec, 2010 SCC 44, [2010] 2 S.C.R. 694 | **Date** : 20101029  **Docket** : 33360 |

Between:

Shirley Christensen

Appellant

and

Roman Catholic Archbishop of Québec and

**Paul-Henri Lachance**

Respondents

**Official English Translation**

**Coram** : McLachlin C.J. and LeBel, Deschamps, Fish, Abella, Charron and Cromwell JJ.

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| **Reasons for Judgment** :  (paras. 1 to 3) | The Court |

Christensen *v.* Roman Catholic Archbishop of Québec, 2010 SCC 44, [2010] 2 S.C.R. 694

Shirley Christensen *Appellant*

v.

Roman Catholic Archbishop of Québec and

Paul-Henri Lachance *Respondents*

**Indexed as:**Christensen ***v.* Roman Catholic Archbishop of Québec**

2010 SCC 44

File No.:  33360.

2010:  October 13; 2010:  October 29.

Present:  McLachlin C.J. and LeBel, Deschamps, Fish, Abella, Charron and Cromwell JJ.

on appeal from the court of appeal for quebec

*Prescription* — *Extinctive prescription* — *Action filed 25 years after alleged sexual assault* — *Whether action prescribed.*

*Held*: The appeal should be allowed and the case remanded to the Quebec Superior Court to assess the evidence.

APPEAL from a judgment of the Quebec Court of Appeal (Chamberland, Morin and Vézina JJ.A.), 2009 QCCA 1349, [2009] R.J.Q. 1970, 67 C.C.L.T. (3d) 238, [2009] J.Q. no7100 (QL), 2009 CarswellQue 7125, affirming a decision of Alain J., 2008 QCCS 2724, [2008] J.Q. no 5695 (QL), 2008 CarswellQue 5910. Appeal allowed.

Alain Arsenault, Sébastien Grammond and Caroline Beaudry, for the appellant.

Jacques LeMay and Guy Régimbald, for the respondent the Roman Catholic Archbishop of Québec.

No one appeared for the respondent Paul-Henri Lachance.

English version of the judgment delivered by

1. The Court — This appeal raises the issue of prescription in a case involving a sexual assault that occurred more than 25 years before an action in civil liability was filed. The respondents filed motions to dismiss the action on the ground that it was prescribed. The Quebec Superior Court granted their motions and dismissed the action. A majority of the Court of Appeal affirmed that judgment, but for different reasons (2009 QCCA 1349, [2009] R.J.Q. 1970). We agree with the dissenting reasons of Chamberland J.A.
2. The issue of the point at which prescription started to run raised questions of fact that could not be resolved on the face of the record. The trial judge will have to assess the evidence to determine whether, on the facts, inferences can be drawn that establish either that prescription did not start to run until 2006 or, possibly, that it was suspended in the circumstances of this case.
3. For these reasons, the appeal is allowed and the case is remanded to the Superior Court, with costs throughout.

*Appeal allowed with costs.*

Solicitors for the appellant:  Arsenault & Lemieux, Montréal.

Solicitors for the respondent the Roman Catholic Archbishop of Québec:  Stein Monast, Québec.