

**SUPREME COURT  
OF CANADA**



**COUR SUPRÊME  
DU CANADA**

**BULLETIN OF  
PROCEEDINGS**

**BULLETIN DES  
PROCÉDURES**

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**APPLICATIONS FOR LEAVE TO  
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**Hardeep Singh Bajwa**  
Hardeep Singh Bajwa

v. (30055)

**Her Majesty the Queen (F.C.)**  
Edward Burnet  
A.G. of Canada

FILING DATE : 17.11.2003

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**Michel Drapeau**  
Jean-Philippe Gervais  
Gervais & Gervais

c. (30053)

**François Girard, et autres (Qué.)**  
Claude Marseille  
Fasken, Martineau, DuMoulin

DATE DE PRODUCTION : 17.11.2003

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**Ajit Singh Grewall**  
Martin Peters

v. (29961)

**Her Majesty the Queen (B.C.)**  
W.J. Scott Bell  
A.G. of British Columbia

FILING DATE : 17.11.2003

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**Mervat S. A. Rashwan and Magdy A. Rashwan**  
Mervat S. A. Rashwan and Magdy A.  
Rashwan

v. (30050)

**Joseph S. Farkas (Ont.)**  
H.J.B.A. Dickie Q.C.  
Borden, Ladner, Gervais

FILING DATE : 18.11.2003

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**DEMANDES D'AUTORISATION  
D'APPEL DÉPOSÉES**

**Pierre Rémillard**  
Patrick Cozannet

c. (29833)

**Sa Majesté la Reine (Qué.)**  
Carole Lebeuf  
P.G. du Québec

DATE DE PRODUCTION : 21.11.2003

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**Dennis Reid**  
Gerhard A. Pyper, Esq.  
MacMillan, Tucker & Mackay

v. (30057)

**The Owners, Strata Plan LMS 2503 (B.C.)**  
Mari A. Worfolk  
Miller, Thomson

FILING DATE : 20.11.2003

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**Canadian Union of Public Employees, Local 1560**  
Howard Goldblatt  
Sack, Goldblatt, Mitchell

v. (30059)

**Avalon East School Board (Nfld. & Lab.)**  
Augustus G. Lilly, Q.C.  
Stewart, McKelvey, Stirling, Scales

FILING DATE : 21.11.2003

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**Le groupe commerce compagnie d'assurances**  
Denis Houle  
Grondin, Poudrier, Bernier

c. (30058)

**La Capitale, compagnie d'assurance générale (La  
Capitale assurances générales Inc.) (Qué.)**

Hubert Auclair  
Auclair, Rousseau

DATE DE PRODUCTION : 20.11.2003

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**Pierre-Yves Deragon**  
Christian Desrosiers

Desrosiers, Turcotte, Marchand, Massicotte,  
Vauclair

c. (29972)

**Sa Majesté la Reine (Qué.)**

Henri-Pierre Labrie  
P.G. du Québec

DATE DE PRODUCTION : 21.11.2003

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**Daniel Dessureault**

Josselin Breton

c. (30030)

**Sa Majesté la Reine (Qué.)**

Germain Martin  
P.G. du Québec

DATE DE PRODUCTION : 10.11.2003

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**Phillip Chukwuma Ofume, et al.**

Phillip Chukwuma Ofume

v. (30054)

**CIBC Mortgage Corporation (N.S.)**

John A. Keith  
Cox, Hanson, O'Reilly, Matheson

FILING DATE : 19.11.2003

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NOVEMBER 24, 2003 / LE 24 NOVEMBRE 2003

**CORAM: Chief Justice McLachlin and Major and Fish JJ.  
La juge en chef McLachlin et les juges Major et Fish**

**Glenn Gregory Franks**

**v. (29749)**

**Her Majesty the Queen (Crim.) (Sask.)**

**NATURE OF THE CASE**

Criminal Law (Non-Charter) - Evidence - Writ for *certiorari* to quash a committal to stand trial for possession of proceeds of the crime of trafficking in a controlled substance - Whether Court of Appeal erred in holding that there was any evidence in law upon which to commit the applicant for trial.

**PROCEDURAL HISTORY**

July 11, 2002  
Provincial Court of Saskatchewan  
(Lewchuk J.)

Applicant committed to stand trial on three charges including one that he unlawfully possessed \$2400 knowing all or part thereof was obtained from trafficking in a controlled substance contrary to s. 8(1) of the *Controlled Drugs and Substances Act*

December 13, 2002  
Court of Queen's Bench of Saskatchewan  
(Wimmer J.)

Applicant's application for writ of *certiorari* to quash committal on count of possession of proceeds dismissed

April 7, 2003  
Court of Appeal for Saskatchewan  
(Bayda C.J.S., Tallis and Lane JJ.A.)

Appeal dismissed

May 20, 2003  
Supreme Court of Canada  
(Bastarache J.)

Motion to extend time to file and/or serve leave application granted

August 12, 2003  
Supreme Court of Canada

Application for leave to appeal filed

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**Robert Duff Reilly**

**v. (29761)**

**Michael W. Lynn (B.C.)**

**NATURE OF THE CASE**

Procedural Law - Evidence - Costs - Appeal - Whether the appropriate test for the admissibility of hearsay evidence imbedded in an expert report needs to be defined - Whether the Court needs to harmonize the law of admissibility of hearsay evidence generally in Canada. - Whether the Court should reconsider the principles expressed in *R. v. Abbey*, [1982] 2 S.C.R. 24 and *R. v. Lavallée*, [1990] 1 S.C.R. 852 in light of its stance on hearsay generally in *R. v. Kahn*, [1990] 2 S.C.R. 531 - Whether the British Columbia Court of Appeal erred by basing their judgment on a new point of law not raised as considered in the courts below - The appropriate test for an appellate court to overturn a trial judge's decision on the applicable scale of costs needs to be defined.

**PROCEDURAL HISTORY**

November 12, 1999 and February 28, 2000 Supreme Court of British Columbia (Coultras J.)	Applicant's action in negligence allowed; damages for loss of future earning capacity awarded in the amount of \$2,340,000
December 1, 2000 Supreme Court of British Columbia (Coultras J.)	Supplementary reasons of the Court granting management fee and dismissing the plaintiff's claim for increased costs
May 15, 2001 Supreme Court of British Columbia (Coultras J.)	Supplementary reasons granting the Respondent's application that total temporary disability benefits be deducted and granting the Applicant's application for increased costs
January 24, 2003 Court of Appeal of British Columbia ( Low, Smith and Southin [ <i>dissenting</i> ], JJ.A.)	Appeal allowed; damages reduced to \$1,650,000 and costs at trial reduced to scale 5
May 9, 2003 Supreme Court of Canada	Applications for an extension of time and leave to appeal filed
October 29, 2003 Supreme Court of Canada	Application for an extension of time to file the formal order of the Court of Appeal filed

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**Marvin W. Henderson and William J. Campbell**

**v. (29820)**

**George Hagblom and George Hagblom Masonry Ltd. (Sask.)**

**NATURE OF THE CASE**

Torts - Negligence - Barristers and solicitors - Standard of care applicable to barrister negligence - Whether standard of egregious error applies to errors in judgment - Whether Court of Appeal erred in ruling that the trial judge misdirected himself on the issue of the standard of proof of causation and on the application of loss of a chance - Procedural law - Evidence - Whether Court of Appeal erred in ruling that the trial judge should not have admitted the expert evidence - Whether Court of Appeal erred in overturning findings of fact made by the trial judge

**PROCEDURAL HISTORY**

April 6, 2000 Court of Queen's Bench of Saskatchewan (Maurice J.)	Applicants' action in recovery allowed; Respondents' counterclaim in negligence dismissed
April 17, 2003 Court of Appeal for Saskatchewan (Bayda C.J.S., Sherstobitoff and Jackson JJ.A.)	Respondents' appeal allowed
June 13, 2003 Supreme Court of Canada	Application for leave to appeal filed

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**CORAM: Iacobucci, Binnie and Arbour JJ.  
Les juges Iacobucci, Binnie et Arbour**

**Jagrup Singh Baidwan**

**v. (29912)**

**Her Majesty the Queen (Crim.) (B.C.)**

**NATURE OF THE CASE**

*Canadian Charter* - Criminal law - Confession - Right to silence - Right to counsel - Whether the British Columbia Court of Appeal erred in law in affirming the trial judge's decision to admit into evidence statements made by the Applicant to the police - Whether the British Columbia Court of Appeal erred in law in affirming the correctness of the trial judge's decision that various statements of the Applicant made to the police did not offend the law relating to voluntariness/oppression and the admissibility of confessions - Whether the British Columbia Court of Appeal erred in law in affirming the correctness of the trial judge's decision, that admitting into evidence various statements of the Applicant made to the police, did not offend the law relating to admissibility of statements and the right to counsel - Whether the British Columbia Court of Appeal erred in law in affirming the correctness of the trial judge's decision, that admitting into evidence various statements of the Applicant made to the police, did not offend the law relating to admissibility of statements and the right to silence - Whether the British Columbia Court of Appeal erred in law in affirming the correctness of the trial judge's decision that admitting into evidence statement #3 as not tainted, and therefore, inadmissible, as a result of the improper taking of statements #1 and #2

**PROCEDURAL HISTORY**

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October 12, 2001 Supreme Court of British Columbia (Holmes J.)	Ruling on voir dire : statements made by the Applicant after arrest declared admissible into evidence
November 9, 2001 Supreme Court of British Columbia (Holmes J.)	Applicant convicted of second degree murder contrary to s. 235 of the <i>Criminal Code</i>
January 17, 2002 Supreme Court of British Columbia (Holmes J.)	Applicant sentenced to life imprisonment without parole eligibility for 13 years
June 5, 2003 Court of Appeal of British Columbia (Southin, Newbury and Mackenzie JJ.A.)	Appeal against conviction dismissed
September 2, 2003 Supreme Court of Canada	Application for leave to appeal filed

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**Éric Bilodeau**

**c. (29990)**

**Sa Majesté la Reine (Crim.) (Qué.)**

**NATURE DE LA CAUSE**

Droit criminel - Procédure - Contre interrogatoire - Antécédents judiciaires - Directives au jury - La Cour d'appel a-t-elle erré en droit en concluant que le juge du procès n'a pas commis d'erreur de droit en permettant à la poursuite de contre-interroger le demandeur relativement aux détails d'antécédents judiciaires ? - La Cour d'appel du Québec a-t-elle erré en droit en rejetant l'appel du demandeur à l'encontre de sa condamnation en appliquant la disposition réparatrice de l'alinéa 686 (1)b)iii) du *Code criminel*.

**HISTORIQUE DES PROCÉDURES**

Le 20 juin 2000 Cour supérieure du Québec (Le juge Paul)	Demandeur reconnu coupable de meurtre au second degré contrairement à l'art. 235 du <i>Code criminel</i>
Le 4 juin 2003 Cour d'appel du Québec (Montréal) (Les juges Rothman, Proulx et Rochette)	Appel rejeté
Le 8 octobre 2003 Cour suprême du Canada	Demandes d'autorisation d'appel et de prorogation de délai déposées

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**Provincial Court Judges' Association of New Brunswick, The Honourable Judge Michael McKee and the Honourable Judge Steven Hutchinson**

v. (30006)

**Her Majesty the Queen in Right of the Province of New Brunswick as represented by the Minister of Justice (N.B.)**

**NATURE OF THE CASE**

Constitutional Law - Judicial Independence - Whether the Court of Appeal erred in effectively reviewing the Judicial Remuneration Commission's (the "Commission") report rather than the Government's reasons for rejecting the report - Whether the Court of Appeal erred in determining that the 1998 Commission recommendations were presumed to be still appropriate and that the 2001 Commission must justify a departure from them - Whether the Court of Appeal erred in applying to the test of "simple rationality" a very low threshold of rationality easily met by the Government's reasons - Whether the Court of Appeal erred in concluding that the Commission had not complied with the requirements of the *Provincial Court Act* - Whether the Court of Appeal erred by misdirecting itself as to the complete irrelevance of the concept of parity in judicial salaries and in finding the Government's reasons in relation to the parity issue to be rational - Whether the Court of Appeal erred in effectively determining that because in its view the salaries and pension were adequate to attract sufficient candidates, the Government's rejection of the Commission's recruitment argument was rational - Whether the Court of Appeal erred in restructuring and re-writing the Government's reasons for rejecting the Commission's recommendations - Whether the Court of Appeal erred in failing to award solicitor and client costs to the Applicant in respect of the case before it and the case below

**PROCEDURAL HISTORY**

May 13, 2002  
Court of Queen's Bench of New Brunswick  
(Boisvert J.)

Applicants' application for an order requiring the Respondent to fully implement the salary recommendations of 2001 Judicial Remuneration Commission, dismissed; Applicant's application for order to implement pension, vacation and health care coverage recommendations, granted; no finding with respect to sabbatical leave

August 20, 2003  
Court of Appeal of New Brunswick  
(Turnbull, Larlee and Robertson JJ.A.)

Appeal dismissed

October 16, 2003  
Supreme Court of Canada

Application for leave to appeal filed

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**Dimitri Sever, The Board of Directors of the Protection of the Holy Virgin Russian Orthodox Church (Outside of Russia) Ottawa, Incorporated being Antole Jozwiak, Alexandre Frolov, Arkadiusz Rydel, Titiana Pyzhov, Ann Frolov, Lyubov Voskresensky, Iouri Ioganov, Alexander Radstig, Anatoly Iljin, Maria Jozwiak, Yuri Krasnov, Vladimir Litvien and Mark Petrovtsi**

v. (29825)

**The Montreal and Canadian Diocese of the Russian Orthodox Church Outside of Russia Incorporated, Protection of the Holy Virgin Russian Orthodox Church (Outside of Russia) in Ottawa, Incorporated and St. Vladimir's Russian Residence of Ottawa Inc. (Ont.)**

**NATURE OF THE CASE**

Commercial law - Corporate By-laws and Letters Patent - Statutory interpretation - *Canada Corporations Act*, 1964-65, c. 52, s. 2 - Whether resolution to amend corporate by-laws of local church passed by church members was invalid - Whether article 54 of the parish by-laws contravenes ss. 154 and 155 of the *Canadian Corporations Act (CCA)* - Whether the Court of Appeal erred in declaring article 54 of "normal" church by-laws enforceable and valid - Whether, under the provisions of the *CCA* and the general principles of Canadian corporate law, an unelected individual may have and exercise veto powers to annul a decision made by a two-thirds majority of members of a corporation voting to amend a by-law.

**PROCEDURAL HISTORY**

February 5, 2001  
Ontario Superior Court of Justice  
(Panet J.)

Respondents' application to have by-law amendments made by Applicant Board declared invalid, granted; meeting ordered to elect new Board of Directors

December 10, 2002  
Court of Appeal for Ontario  
(Carthy, Laskin and Borins JJ.A.)

Appeal allowed in part: Decision of trial judge to declare by-law amendment invalid upheld; Order for meeting to elect new Board set aside

June 9, 2003  
Supreme Court of Canada

Application for leave to appeal and motion for extension of time filed

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**CORAM: Bastarache, LeBel and Deschamps JJ.  
Les juges Bastarache, LeBel et Deschamps**

**Her Majesty the Queen**

v. (29693)

**T.S.C. (Crim.)(Ont.)**

**NATURE OF THE CASE**

Criminal Law - Legislation - Interpretation - Sentencing - Sentence merger - Requirement to provide samples of bodily samples for forensic DNA analysis - Whether the Court of Appeal for Ontario erred in holding that the Respondent's sentences did not merge pursuant to s. 139 of the *Corrections and Conditional Release Act* thus rendering him ineligible for the data bank pursuant to s. 487.055 of the *Criminal Code*.

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**PROCEDURAL HISTORY**

October 26, 2000 Ontario Court of Justice (Payne J.)	Crown's <i>ex parte</i> application for authorization to take bodily samples for forensic DNA analysis dismissed for being brought out of time
June 18, 2001 Ontario Superior Court of Justice (Ferguson J.)	Applicant's application for an order of <i>certiorari</i> and <i>mandamus</i> dismissed
February 7, 2003 Court of Appeal for Ontario (Catzman Doherty and Cronk JJ.A.)	Appeal dismissed
April 8, 2003 Supreme Court of Canada	Application for leave to appeal filed

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**Her Majesty the Queen**

**v. (29985)**

**Wayne Hayes (Crim.) (Ont.)**

**NATURE OF THE CASE**

Criminal law - Respondent refusing to provide his motorcycle helmet for inspection upon request - Respondent charged with wilfully obstructing a police officer in the execution of his duty - Offence of obstruct police contrary to s. 129 (a) of the *Criminal Code* of Canada - Whether the Court of Appeal erred in holding that a motorcyclist who refuses to remove his helmet to permit inspection by a police officer pursuant to the statutory duty to do so, does not commit the offence of obstruct police - *Criminal Code*, s. 129 - *Highway Traffic Act*, R.S.O. 1990, c. H.8, s. 82.

**PROCEDURAL HISTORY**

October 26, 1999 Ontario Court of Justice (Gorewich J.)	Respondent acquitted of wilfully obstructing a peace officer contrary to s. 129(a) of the <i>Criminal Code</i>
March 26, 2001 Ontario Superior Court of Justice (Ferguson J.)	Appeal allowed; conviction entered
July 10, 2003 Court of Appeal for Ontario (McMurtry C.J.O., Weiler and Laskin JJ.A.)	Appeal allowed; conviction set aside; acquittal entered
September 30, 2003 Supreme Court of Canada	Application for leave to appeal filed
November 14, 2003 Supreme Court of Canada	Motion for an extension of time to serve and file the application for leave to appeal filed

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**Eric Scheuneman**

**v. (29832)**

**Attorney General of Canada (F.C.A.)**

**NATURE OF THE CASE**

Administrative law - Judicial review - Procedural law - Federal Court of Appeal - Written submissions - Whether the Federal Court of Appeal erred in dismissing the Applicant's motion for the appeal to be conducted entirely on the basis of written materials - Whether the Federal Court of Appeal erred in finding that the Applicant would not be prejudiced by an oral hearing - Whether the Federal Court of Appeal erred in finding that the Supreme Court of Canada is not a "federal board, commission or other tribunal" within the meaning of sections 18 and 18.1 of the *Federal Court Act*, R.S.C. 1985, c. F-7 and that, therefore, its decisions or orders cannot be the subject of an application for judicial review in Federal Court - Whether the Federal Court of Appeal erred in *de facto* concluding that section 52 of the *Supreme Court Act*, R.S.C. 1985 c. S-26 condones or allows illegal acts by the Supreme Court of Canada or by its administrators - Whether the Federal Court of Appeal erred in not finding that the decision being subjected to judicial review was an administrative decision to refuse to rectify illegalities rather than a decision by a judge or judges of the Supreme Court of Canada - Whether the Federal Court of Appeal erred in awarding costs.

**PROCEDURAL HISTORY**

May 22, 2002  
Federal Court of Canada  
(Pinard J.)

Respondent's motion to strike the Applicant's application for judicial review, granted

April 29, 2003  
Federal Court of Appeal  
(Stone, Evans and Malone JJ.A.)

Appeal dismissed

June 19, 2003  
Supreme Court of Canada

Application for leave to appeal filed

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**JUDGMENTS ON APPLICATIONS  
FOR LEAVE**

**JUGEMENTS RENDUS SUR LES  
DEMANDES D'AUTORISATION**

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**NOVEMBER 27, 2003 / LE 27 NOVEMBRE 2003**

**29735**                    **Generex Pharmaceuticals Inc. and, E. Mark Perri v. Lorne Spark** (Ont.) (Civil) (By Leave)

Coram:                    McLachlin C.J. and Major and Fish JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C34188, dated March 31, 2003, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C34188, daté du 31 mars 2003, est rejetée avec dépens.

**NATURE OF THE CASE**

Torts - Damages - Procedural law - Costs - Whether Court of Appeal erred in assessing the quantum of damages - Whether Court of Appeal erred in upholding the trial judge's award of costs of the action.

**PROCEDURAL HISTORY**

March 28, 2000 Ontario Superior Court of Justice (Stinson J.)	Respondent's action for damages for wrongful dismissal and breach of contract against Applicant Generex Pharmaceuticals Inc, allowed with costs; Respondent entitled to recover \$193,981.80; Action against Applicant E. Mark Perri, dismissed with costs
March 31, 2003 Ontario Court of Appeal (Doherty, Austin and Gillese JJ.A.)	Appeal against quantum of damages and costs dismissed
April 29, 2003 Supreme Court of Canada	Application for leave to appeal filed

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**29752**                    **Equifax Canada Inc. v. Glenn Haskett AND BETWEEN Trans Union of Canada Inc. v. Glenn Haskett** (Ont.) (Civil) (By Leave)

Coram:                    McLachlin C.J. and Major and Fish JJ.

The applications for leave to appeal from the judgment of the Court of Appeal for Ontario, Numbers C37573 and C37574, dated March 6, 2003, are dismissed with costs.

Les demandes d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéros C37573 et C37574, daté du 6 mars 2003, sont rejetées avec dépens.

**NATURE OF THE CASE**

Torts - Negligence - Negligent misrepresentation - Defamation - Breach of statute - Whether the alleged economic loss suffered by Respondent as a result of inaccurate information reported about him by the Applicant consumer credit-reporting agencies to credit grantors can support a cause of action in negligence.

**PROCEDURAL HISTORY**

December 13, 2001  
Ontario Superior Court of Justice  
(Cumming J.)

Applicants' motion for an order dismissing the Respondent's class action, granted; Respondent's action dismissed

March 6, 2003  
Court of Appeal for Ontario  
(Feldman, MacPherson and Armstrong JJ.A.)

Appeals relating to Equifax Canada Inc. and Trans Union of Canada Inc. allowed in part; action in negligence allowed to proceed; Part of appeals relating to Equifax Inc. and Trans Union LLC, dismissed

May 2, 2003  
Supreme Court of Canada

First application for leave to appeal filed

May 2, 2003  
Supreme Court of Canada

Second application for leave to appeal filed

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**29767**      **Victor Daniels and Russell Lambert Sinclair v. The Attorney General of Canada** (Sask.) (Civil)  
(By Leave)

Coram:            McLachlin C.J. and Major and Fish JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Saskatchewan, Number CA 701, dated March 12, 2003, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Saskatchewan, numéro CA 701, daté du 12 mars 2003, est rejetée avec dépens.

**NATURE OF THE CASE**

Procedural law - Limitations - Class actions - Crown law - Is a class action the preferable procedure to determine issues of discoverability? - Does the application of the limitation periods in the circumstances of this case result in the need for individual assessments and thus defeat a class proceeding as being the preferable procedure? - Is the Crown the trustee of an express trust created to administer financial benefits of Indian War Veterans? - Did the Crown breach its duties as trustee in relation to the funds held in trust for the benefit of the Indian War Veterans, the beneficiaries?

**PROCEDURAL HISTORY**

February 4, 2003  
Court of Queen's Bench of Saskatchewan  
(McLellan J.)

Applicants' application for certification of an action as a class action, dismissed

March 12, 2003  
Court of Appeal for Saskatchewan  
(Tallis J.A.)

Application for leave to appeal dismissed

May 12, 2003  
Supreme Court of Canada

Application for leave to appeal filed

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**29768**                    **Pfizer Canada Inc. v. Attorney General of Canada** (F.C.) (Civil) (By Leave)

Coram:                    McLachlin C.J. and Major and Fish JJ.

The application for leave to appeal from the judgment of the Federal Court of Appeal, Numbers A-442-02 and A-443-02, dated March 14, 2003, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéros A-442-02 et A-443-02, daté du 14 mars 2003, est rejetée avec dépens.

**NATURE OF THE CASE**

Property law - Patents - Statutes - Interpretation - International law - How should the presumption of treaty compliance be applied to interpret a regulation where there is no evidence that Parliament intended that the regulation be promulgated contrary to international law? - As a matter of patent law and the regulation of pharmaceutical products in Canada, how should s. 4(4) of the Regulation be interpreted to comply with the *Paris Convention*?

**PROCEDURAL HISTORY**

June 25, 2002  
Federal Court of Canada, Trial Division  
(Blanchard J.)

Applicant's applications for judicial review of decision of the Minister of Health refusing the listing of certain Canadian patents on the Patent Register, dismissed

March 14, 2003  
Federal Court of Appeal  
(Strayer, Nadon and Pelletier JJ.A)

Appeal dismissed

May 13, 2003  
Supreme Court of Canada

Application for leave to appeal filed

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**29778**                    **Lax Nagda and Vanita Nagda v. Her Majesty the Queen** (Ont.) (Civil) (By Leave)

Coram:                    McLachlin C.J. and Major and Fish JJ.

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C37661, dated March 20, 2003, is dismissed.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C37661, daté du 20 mars 2003, est rejetée.

**NATURE OF THE CASE**

Taxation – Applicants convicted of making false or deceptive statements by understating taxable income and of tax evasion – Whether the lower courts erred by refusing to consider a possible *Charter* violation – Whether the trial judge misapprehended the evidence.

**PROCEDURAL HISTORY**

September 6, 2000

Applicants convicted of making false or deceptive

Ontario Court of Justice (Purvis J.)	statements by understating taxable income and of tax evasion
February 1, 2002 Ontario Superior Court of Justice (Boyko J.)	Appeal dismissed
March 20, 2003 Court of Appeal for Ontario (Abella, Simmons and Armstrong JJ.A.)	Appeal dismissed
May 20, 2003 Supreme Court of Canada	Application for leave to appeal filed

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**29811**            **Glenn Wallace Franz v. Her Majesty the Queen** (B.C.) (Criminal) (By Leave)

Coram:            **McLachlin C.J. and Major and Fish JJ.**

The application for leave to appeal from the judgment of the Court of Appeal for British Columbia (Vancouver), Number CA027622, dated April 11, 2003, is dismissed.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Colombie-Britannique (Vancouver), numéro CA027622, daté du 11 avril 2003, est rejetée.

**NATURE OF THE CASE**

Criminal law - Evidence - Confessions - Reliability - Whether the Court of Appeal erred in holding that the necessary review of the confession evidence to determine reliability and corroboration was undertaken by the trial judge.

**PROCEDURAL HISTORY**

May 26, 2000 Supreme Court of British Columbia (Edwards J.)	Conviction: second degree murder
April 11, 2003 Court of Appeal for British Columbia (Prowse, Ryan and Mackenzie JJ.A.)	Appeal dismissed
June 9, 2003 Supreme Court of Canada	Application for leave to appeal filed

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**29861**            **John Yu v. Her Majesty the Queen** (Alta.) (Criminal) (By Leave)

Coram:            McLachlin C.J. and Major and Fish JJ.

The application for an extension of time is granted and the application for leave to appeal from the judgment of the Court of Appeal of Alberta (Edmonton), Number 0103-0345-A3, dated December 17, 2002, is dismissed.

La demande de prorogation de délai est accordée et la demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Alberta (Edmonton), numéro 0103-0345-A3, daté du 17 décembre 2002, est rejetée.

**NATURE OF THE CASE**

Criminal law - Evidence - Cross-examination - Complainant testifying at preliminary inquiry and at trial, but dying before the completion of cross-examination at trial - Whether the learned trial judge, and the Alberta Court of Appeal, erred in finding that the Applicant's lost opportunity to cross-examine the complainant, at trial, did not deprive him of a fair trial such that a stay of proceedings was the only appropriate remedy - Whether the learned trial judge, and the Alberta Court of Appeal, erred in finding that the Applicant's lost opportunity to cross-examine the complainant, at trial, did not lead to a presumption that trial fairness was compromised - Whether the learned trial judge, and the Alberta Court of Appeal, erred in finding that the rule, enunciated in *Browne v. Dunn*, permitted the Applicant to attack the complainant's credibility with evidence not brought to the complainant's attention - Whether the learned trial judge, and the Alberta Court of Appeal, erred in finding that the totality of the circumstances of this case did not compromise the integrity of the administration of justice such that a stay of proceedings was the only appropriate remedy

**PROCEDURAL HISTORY**

September 5, 2001 Court of Queen's Bench of Alberta (Clarke J.)	Applicant convicted of kidnapping, sexual assault, assault with a weapon, possession of a weapon and extortion
December 17, 2002 Court of Appeal of Alberta (McClung, Côté and Russell JJ.A.)	Appeal from conviction dismissed
July 14, 2003 Supreme Court of Canada	Applications for extension of time and for leave to appeal filed

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**29863**            **Eurosport Auto Co. Ltd. and Frederick Ngok Hwang v. Her Majesty the Queen** (B.C.) (Civil) (By Leave)

Coram:            McLachlin C.J. and Binnie and Fish JJ.

The application for leave to appeal from the judgment of the Court of Appeal for British Columbia (Vancouver), Number CA030111, dated May 14, 2003, is dismissed.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Colombie-Britannique (Vancouver), numéro CA030111, daté du 14 mai 2003, est rejetée.

**NATURE OF THE CASE**

Constitutional law - Division of powers - Commercial law – Insurance – Statutes - Interpretation - *Insurance Motor Vehicle Act*, R.S.BC. 1996, C.231 – *Constitution Act*, 1897 - Constitutionality – Jurisdiction – Doctrine of paramountcy – Whether the *Insurance Motor Vehicle Act (IMVA)* is *ultra vires* the legislature of the province of British Columbia, being a matter of criminal law exclusively within the jurisdiction of the Federal Government, pursuant to the *Constitution Act* - Whether the doctrine of paramountcy applies to render the *IMVA ultra vires* – Whether section 42(1) of the *IMVA* is unconstitutional in that it permits an accused to be convicted of fraud on the basis of objective, rather than subjective, knowledge.

**PROCEDURAL HISTORY**

March 16, 2001 Provincial Court of British Columbia (Godfrey P.C.J.)	Convictions: making false and misleading statements or representations to the Insurance Corporation of British Columbia
July 25, 2002 Supreme Court of British Columbia (Warren J.)	Applicants' summary conviction appeals against convictions allowed; convictions set aside; Section 42.1(2)(b) of the <i>Insurance Motor Vehicle Act</i> declared to be <i>ultra vires</i>
May 14, 2003 Court of Appeal of British Columbia (Prowse, Huddart and Braidwood JJ.A.)	Respondent's appeal allowed
July 15, 2003 Supreme Court of Canada	Application for leave to appeal filed

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**29876**      **Emile Mennes v. Her Majesty the Queen** (F.C.) (Civil) (By Leave)

Coram:      McLachlin C.J. and Major and Fish JJ.

The application for leave to appeal from the judgment of the Federal Court of Appeal, Number A-440-02, dated June 18, 2003, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro A-440-02, daté du 18 juin 2003, est rejetée avec dépens.

**NATURE OF THE CASE**

Procedural law - Statement of Claim - Judgments and orders - Whether the Federal Court Trial Division erred in determining that the Statement of Claim was frivolous, vexatious and an abuse of process? - Whether the Federal Court Trial Division erred in determining that the Statement of Claim contains allegations that are without a factual basis? - Whether the Federal Court Trial Division erred in determining that the Statement of Claim discloses no reasonable cause of action? - Whether the Federal Court Trial Division erred in determining that the declaratory relief sought by the plaintiff is not available?

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**PROCEDURAL HISTORY**

June 24, 2002 Federal Court, Trial Division (Blais J.)	Respondent's motion to strike the Applicant's statement of claim, granted; action dismissed
June 18, 2003 Federal Court of Appeal (Rothstein, Noël and Sexton JJ.A.)	Appeal dismissed
July 30, 2003 Supreme Court of Canada	Application for leave to appeal filed

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**29734**      **Alliance Pipeline Ltd. v. Terry Balisky, Marcia Balisky, Bev Collin Holdings Ltd., Byron Bue, Raymond Bue, Peter Eggers, Levke Eggers, Bryan Ellingson, Charles Evaskevich, Nora Evaskevich, Brian Fast, Teresa Fast, Doug Gabert, Raymond Gilkyson, Vicki Gilkyson, James Glasman, Elaine Glasman, Stirling Hanson, Laura Hanson, Roger Jones, Fern Jones, Don Liland, Linda Liland, Mario Marouelli, Jamie Marouelli, Donald Meador, Mona Middleton, Glenda Haughian, Brian Moe, Janice Moe, Randy Moe, Kris Moe, Franklin Moller, Lloyd Olley, Katherine Olley, Don Pedersen, Kane Piper, Robert Richards, Ada Richards, Cornie Schmidt, Priscilla Schmidt, Albert Slater, Ken Slater, Dale Smith, Gwen Smith,, Gordon Strate, Frank Thederahn, Irma Thederahn and Ed Welsh** (FC) (Civil) (By Leave)

Coram:            Bastarache, LeBel and Deschamps JJ.

The application for leave to appeal from the judgment of the Federal Court of Appeal, Number A-521-02, dated February 27, 2003, is dismissed without costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro A-521-02, daté du 27 février 2003, est rejetée sans dépens.

**NATURE OF THE CASE**

Statutes – Interpretation – Expropriation – Use of thirty metre strip adjacent to either side of natural gas pipeline right-of-way (“controlled area”) limited by s. 112(1) *National Energy Board Act* for reasons of public safety – Land owners requesting compensation for damages resulting from limitations imposed by statute – Land owners serving notice of arbitration on Minister of Natural Resources pursuant to Act, requesting claim for compensation be referred to arbitration committee – Minister refusing request, concluding such claims not within arbitration scheme of Act – Whether Minister must refer claims for compensation for alleged damages arising in relation to “controlled area” to arbitration committee – Whether Federal Court of Appeal erred in not considering appropriate standard of review of Minister's decision – *National Energy Board Act*, R.S.C. 1985, c. 7, ss. 75, 84, 112(1).

**PROCEDURAL HISTORY**

January 10, 2001 Minister of Natural Resources (Goodale, Minister)	Respondents' request for referral of compensation claims to an arbitration committee, refused
September 13, 2002	Respondents' application for judicial review, dismissed

Federal Court of Canada, Trial Division  
(Tremblay-Lamer J.)

February 27, 2003  
Federal Court of Appeal  
(Rothstein, Evans and Malone JJ.A.)

Appeal allowed; Minister's decision quashed; Minister  
directed to refer matter to an arbitration committee

April 28, 2003  
Supreme Court of Canada

Application for leave to appeal filed

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**29790**      **Hoffmann-La Roche Ltd. v. Glen Ford, Vitapharm Canada Ltd., Fleming Feed Mill Ltd. and Marcy David AND BETWEEN Hoffmann-La Roche Limited/Limitée v. Glen Ford, Vitapharm Canada Ltd., Fleming Feed Mill Ltd., Aliments Breton Inc., Roger Awad and Mary Helen Awad AND BETWEEN Takeda Chemical Industries Ltd. and Takeda Canada Vitamin and Food Inc. v. Glen Ford, Vitapharm Canada Ltd., Fleming Feed Mill Ltd., Aliments Breton Inc., Roger Awad and Mary Helen Awad AND BETWEEN BASF Aktiengesellschaft, BASF Corporation and BASF Canada Inc. v. Glen Ford, Vitapharm Canada Ltd., Fleming Feed Mill Ltd., Aliments Breton Inc., Roger Awad and Mary Helen Awad AND BETWEEN BASF Aktiengesellschaft, BASF Corporation and BASF Canada Inc. v. Fleming Feed Mill Ltd., Aliments Breton Inc., Glen Ford and Marcy David AND BETWEEN Lonza A.G. v. Glen Ford, Vitapharm Canada Ltd., Fleming Feed Mill Ltd. and Marcy David AND BETWEEN Lonza A.G. v. Vitapharm Canada Ltd., Fleming Feed Mill Ltd., Aliments Breton Inc. and Kristi Cappa AND BETWEEN Sumitomo Chemical Co. Ltd. v. Glen Ford, Vitapharm Canada Ltd., Fleming Feed Mill Ltd. and Marcy David AND BETWEEN Degussa-Hüls AG, Degussa Corporation and Degussa Canada Inc. v. Vitapharm Canada Ltd., Fleming Feed Mill Ltd., Aliments Breton Inc. and Kristi Cappa** (Ont.)  
(Civil) (By Leave)

Coram:      Bastarache, LeBel and Deschamps JJ.

The applications for leave to appeal from the judgment of the Court of Appeal for Ontario, Numbers C38615, C38620, C38625 and C38626, dated March 13, 2003, are dismissed with costs.

Les demandes d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéros C38615, C38620, C38625 et C38626, daté du 13 mars 2003, sont rejetées avec dépens.

**NATURE OF THE CASE**

Procedural law – Pre-trial procedure – Discovery – Class proceedings – Plaintiffs in class action proceedings commenced in Canada bringing motion to intervene in analogous litigation commenced in U.S. so as to obtain documentary and deposition evidence previously given during discovery process in U.S. – Defendants bringing motion to enjoin plaintiffs from pursuing motion in U.S. – Defendants claiming plaintiffs acting contrary to purposes and provisions of Ontario *Class Proceedings Act* (“CPA”) and *Rules of Civil Procedure* (the “Rules”), by attempting to obtain, prior to certification, discovery of evidence given under compulsion of U.S. discovery rules – Whether seeking evidence obtained during discovery process in foreign jurisdiction constitutes evidence gathering, or actual discovery contrary to the CPA and Rules – What is the legal test applicable on an application to enjoin Canadian plaintiffs from bringing applications in foreign jurisdiction where action originates under Canadian class proceedings legislation – Whether international comity issues raised – Whether privacy interests of litigants raised.

**PROCEDURAL HISTORY**

January 26, 2001 Ontario Superior Court of Justice (Cumming J.)	Applicants' motion for an order to enjoin the Respondents from pursuing their motion in the United States, dismissed
April 10, 2002 Ontario Superior Court of Justice, Divisional Court (Farley, Matlow and Roy JJ.)	Appeals dismissed
March 13, 2003 Court of Appeal for Ontario (Catzman, Carthy and Moldaver JJ.A.)	Appeals dismissed
May 12, 2003 Supreme Court of Canada	First application for leave to appeal filed, Hoffmann-La Roche Ltd, applicant
May 12, 2003 Supreme Court of Canada	Second application for leave to appeal filed, Takeda Chemical Industries Ltd and Takeda Canada Vitamin and Food Inc., applicants
May 12, 2003 Supreme Court of Canada	Third application for leave to appeal filed, BASF Aktiengesellschaft, BASF Corporation and BASF Canada Inc., applicants
May 12, 2003 Supreme Court of Canada	Fourth application for leave to appeal filed, Lonza A.G., applicant
May 12, 2003 Supreme Court of Canada	Fifth application for leave to appeal filed, Sumitomo Chemical Co., applicant
May 12, 2003 Supreme Court of Canada	Sixth application for leave to appeal filed, Degussa-Hüls A.G., Degussa Corporation and Degussa Canada Inc., applicants
July 31, 2003 Supreme Court of Canada (Arbour J.)	Motion to extend time granted

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**29880**            **Corey Lee Fairchuk v. Her Majesty the Queen** (Man.) (Criminal) (By Leave)

Coram:            **Bastarache, LeBel and Deschamps JJ.**

The application for an extension of time is granted and the application for leave to appeal from the judgment of the Court of Appeal of Manitoba, Number AR 02-30-05325, dated April 15, 2003, is dismissed.

La demande de prorogation de délai est accordée et la demande d'autorisation d'appel de l'arrêt de la Cour d'appel du Manitoba, numéro AR 02-30-05325, daté du 15 avril 2003, est rejetée.

**NATURE OF THE CASE**

Criminal law - Procedure - Rule against collateral attack - Whether the Manitoba Court of Appeal erred in law in hold that section 127 of the *Criminal Code* prohibits the disobedience of extra-jurisdictional orders - Whether the Manitoba Court of Appeal erred in law in finding that the constitutionality of the law under which the order was purportedly made was irrelevant to the criminal culpability of the accused - Whether the Manitoba Court of Appeal erred in law in finding that the procedure for enforcement of orders codified in the Rules of the Court of Queen's Bench of Manitoba is not a "punishment or other mode of proceeding" expressly provided by law within the meaning of ss. 127(1) of the *Criminal Code* - Whether the Manitoba Court of Appeal erred in law by sustaining the conviction of the accused where, by reason of material non-disclosure by the Crown, the accused was denied full answer and defence - *Criminal Code*, R.S.C. 1985, c. C-46, s. 127(1) - *The Domestic Violence and Stalking Prevention, Protection and Compensation Act*, C.C.S.M. c. D93

**PROCEDURAL HISTORY**

July 15, 2002 Provincial Court of Manitoba (Garfinkel J.)	Applicant convicted of disobeying provisions of a Protection Order
April 15, 2003 Court of Appeal of Manitoba (Scott C.J., Philp and Hamilton JJ.A)	Appeal against conviction dismissed
August 5, 2003 Supreme Court of Canada	Application for leave to appeal filed
September 15, 2003 Supreme Court of Canada	Motion for an extension of time filed

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**29980**      **Lucille Labonté c. Gérard Tremblay** (Qué.) (Civile) (Autorisation)

Coram:      Les juges Bastarache, LeBel et Deschamps

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel du Québec (Montréal), numéro 500-09-010309-003, daté du 4 juillet 2003, est rejetée.

The application for leave to appeal from the judgment of the Court of Appeal of Quebec (Montreal), Number 500-09-010309-003, dated July 4, 2003, is dismissed.

**NATURE DE LA CAUSE**

Code civil - Droit commercial - Contrats - Vente - Vices cachés - La Cour d'appel a-t-elle erré en décidant que des représentations erronées du vendeur font d'un vice apparent un vice juridiquement caché? - La Cour d'appel pouvait-elle évaluer la preuve afin de déterminer si un vice juridiquement caché existait?

**HISTORIQUE PROCÉDURAL**

Le 11 octobre 2000 Cour supérieure du Québec (Le juge Frenette)	Action de l'intimé en annulation d'une vente immobilière et en dommages-intérêts rejetée
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Le 4 juillet 2003  
Cour d'appel du Québec  
(Les juges Fish, Morissette, et Letarte [*ad hoc*])

Appel accueilli; acte de vente annulé; demanderesse  
condamnée à payer \$ 46 378,06\$

Le 29 septembre 2003  
Cour suprême du Canada

Demande d'autorisation d'appel déposée

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**29992**            **The Honourable Robert H. Nelson, Founder and President of Public Defenders for himself and as representative of all those also improperly denied benefits v. Her Majesty the Queen as represented by the Hon. Martin Cauchon, Minister of Canada Customs and Revenue Agency (FC)**  
(Civil) (By Leave)

Coram:            Bastarache, LeBel and Deschamps JJ.

The application for leave to appeal from the judgment of the Federal Court of Appeal, Number A-634-01, dated September 9, 2003, is dismissed with costs.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro A-634-01, daté du 9 septembre 2003, est rejetée avec dépens.

#### **NATURE OF THE CASE**

Procedural law - Federal Court of Canada - Vexatious litigant - Section 40, *Federal Court Act*, R.S.C. 1985, c. F-7 - Whether to deny the Applicant, declared a vexatious litigant, his motion to continue the appeal is unconstitutional, of national interest and a violation of the *Canadian Charter of Rights and Freedoms* - Whether the Federal Court of Appeal erred by not strictly administrating and understanding the law, the subject of the proceedings - Whether the *Canadian Charter of Rights and Freedoms* guarantees one law for her Majesty the Queen and ordinary citizens including the Applicant

#### **PROCEDURAL HISTORY**

November 16, 2000  
Federal Court of Canada, Trial Division  
(Nadon J.)

Applicant's motion allowed in part : amendment of  
Statement of Claim permitted; interlocutory injunctions  
refused

October 18, 2001  
Federal Court of Canada, Trial Division  
(Rouleau J.)

Applicant's action struck out as disclosing no reasonable  
cause of action

January 23, 2002  
Federal Court of Canada, Trial Division  
(Blais J.)

Respondent's motion in accordance with section 40 of the  
*Federal Court Act* to have the Applicant declared a  
vexatious litigant, granted

March 13, 2003  
Federal Court of Appeal  
(Rothstein, Noël and Sharlow JJ.A.)

Appeal dismissed

September 9, 2003  
Federal Court of Appeal

Applicant's motion for leave to continue appeal, dismissed

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(Décary J.A.)

October 10, 2003  
Supreme Court of Canada

Application for leave to appeal filed

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**29958**            **Jacques Leduc v. Her Majesty the Queen** (Crim.)(Ont.)

Coram:            Bastarache, LeBel and Deschamps JJ.

The request for an oral hearing of the application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C36077, dated July 24, 2003, is granted.

La demande pour la tenue d'une audience de la demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C36077, daté du 24 juillet 2003, est accordée.

**NATURE OF THE CASE**

Canadian Charter (Criminal) - Criminal law - Evidence - Procedure - Remedies - Wilful non-disclosure - Stay of proceedings - Whether the Court of Appeal for Ontario erred in holding that the trial judge made palpable and overriding errors in his determination that non-disclosure of evidence by the Crown was wilful - Whether the Court of Appeal for Ontario erred in holding that this was not an appropriate case for the issuance of a stay of proceedings pursuant to s. 24(1) of the *Canadian Charter of Rights and Freedoms*, if the non-disclosure of evidence by the Crown was wilful - Whether the Court of Appeal for Ontario erred in setting aside an order of costs against the Attorney General of Ontario made in favour of the Applicant, on the ground that such an order is not permitted by authorities under s. 24(1) of the *Canadian Charter of Rights and Freedoms*.

**PROCEDURAL HISTORY**

Ontario Superior Court of Justice  
March 1, 2001  
(Chadwick, J.)

Stay of proceedings ordered against the Applicant

July 24, 2003  
Court of Appeal for Ontario  
(Laskin, Feldman and Gillese JJ.A.)

Stay of proceedings set aside, new trial ordered

September 22, 2003  
Supreme Court of Canada

Application for leave to appeal and for an oral hearing filed

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17.11.2003

Before / Devant : THE DEPUTY REGISTRAR

**Motion to file a memorandum of argument of over 20 pages**

**Requête pour permission de déposer un mémoire de plus de 20 pages**

Leroy Erwin Dumas

v. (29923)

Her Majesty the Queen (Man.) (Crim.)

**DISMISSED / REJETÉE**

**UPON APPLICATION** by the applicant for an order permitting the filing of a lengthy memorandum of argument, namely 47 pages;

**AND HAVING READ** the material filed;

**IT IS HEREBY ORDERED THAT:**

- 1) The motion is dismissed. The applicant shall be permitted to serve and file a memorandum of argument not exceeding 20 pages in length on or before November 28, 2003.
  - b) The respondent shall serve and file her response on or before December 30, 2003.
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18.11.2003

Before / Devant : THE DEPUTY REGISTRAR

**Motion to extend the time in which to serve and file the respondent's response**

**Requête en prorogation du délai imparti pour signifier et déposer la réponse de l'intimée**

Richard L. Corriveau

c. (29817)

Sa Majesté la Reine (Qué.) (Crim.)

**GRANTED / ACCORDÉE** Délai prorogé au 30 octobre 2003.

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19.11.2003

Before / Devant : Iacobucci

**Motion to extend the time in which to serve and file the record, factum and book of authorities of the respondent Ajaib Singh Bagri**

**Requête en prorogation du délai imparti pour signifier et déposer les dossier, mémoire et recueil de jurisprudence et de doctrine de l'intimé Ajaib Singh Bagri**

The Vancouver Sun

v. (29878)

Attorney General of British Columbia, et al. (B.C.)  
(Crim.)

**GRANTED / ACCORDÉE**

**UPON APPLICATION** by the respondent Ajaib Singh Bagri, for an order extending the time to serve and file his factum, record and book of authorities to November 25, 2003;

**AND HAVING READ** the material filed;

**IT IS HEREBY ORDERED THAT:**

The motion is granted.

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19.11.2003

Before / Devant : FISH J.

**Motion for leave to intervene**

**Requête en autorisation d'intervention**

BY / PAR : Attorney General of Ontario

IN / DANS : The Vancouver Sun

v. (29878)

Attorney General of British  
Columbia, et al. (B.C.) (Crim.)

**GRANTED / ACCORDÉE**

**UPON APPLICATION** by the Attorney General of Ontario for leave to intervene in the above appeal;

**AND HAVING READ** the material filed ;

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**IT IS HEREBY ORDERED THAT:**

The motion for leave to intervene of the applicant, the Attorney General of Ontario, is granted and the applicant shall be entitled to serve and file a factum not to exceed 20 pages in length on or before November 26, 2003.

The request to present oral argument is deferred to a date following receipt and consideration of the written arguments of the parties and the intervener.

The intervener shall not be entitled to adduce further evidence or otherwise to supplement the record of the parties.

Pursuant to Rule 59(1)(a) the intervener shall pay to the appellant and respondents any additional disbursements occasioned to the appellant and respondents by their intervention.

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20.11.2003

Before / Devant : FISH J.

**Further order on motions for leave to intervene**

BY / PAR : Attorney General of Ontario  
Canadian Association of Chiefs of Police  
Criminal Lawyers' Association  
(Ontario)  
Canadian Civil Liberties Association

**Autre ordonnance sur des requêtes en autorisation d'intervention**

IN / DANS : Phillip Henry Mann

v. (29477)

Her Majesty the Queen (Man.)  
(Crim.)

**UPON APPLICATIONS** by the Attorney General of Ontario, the Canadian Association of Chiefs of Police, the Criminal Lawyers' Association (Ontario) and the Canadian Civil Liberties Association for leave to intervene in the above appeal and pursuant to the order of October 20, 2003;

**IT IS HEREBY FURTHER ORDERED THAT** the said interveners are each granted permission to present oral argument not exceeding fifteen (15) minutes at the hearing of the appeal.

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20.11.2003

Before / Devant : THE DEPUTY REGISTRAR

**Motion to accept the application for leave to appeal  
as filed**

**Requête en acceptation de la demande d'autorisation  
de pourvoi déposée**

John Jeremiah Sinclair

v. (29981)

The Registrar of the Indian Register, et al. (F.C.)

**GRANTED / ACCORDÉE** The motion to accept the application for leave as filed (printed on the right), is granted.

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**NOTICE OF APPEAL FILED SINCE  
LAST ISSUE**

**AVIS D'APPEL DÉPOSÉS DEPUIS LA  
DERNIÈRE PARUTION**

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21.11.2003

**Pacific National Investments Ltd.**

**v. (29759)**

**The Corporation of the City of Victoria (B.C.)**

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24.11.2003

**Nova Scotia Power Inc.**

**v. (29649)**

**Her Majesty the Queen (F.C.)**

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## DEADLINES: APPEALS

The Winter Session of the Supreme Court of Canada will commence January 12, 2004.

Pursuant to the *Supreme Court Act* and *Rules*, the following requirements for filing must be complied with before an appeal can be heard:

**Appellant's record; appellant's factum; and appellant's book(s) of authorities** must be filed within 12 weeks of the filing of the notice of appeal or 12 weeks from decision on the motion to state a constitutional question.

**Respondent's record (if any); respondent's factum; and respondent's book(s) of authorities** must be filed within eight weeks after the service of the appellant's documents.

**Intervener's factum and intervener's book(s) of authorities**, (if any), must be filed within eight weeks of the order granting leave to intervene or within 20 weeks of the filing of a notice of intervention under subrule 61(4).

**Parties' condensed book**, if required, must be filed on the day of hearing of the appeal.

The Registrar shall enter the appeal on a list of cases to be heard after the respondent's factum is filed or at the end of the eight-week period referred to in Rule 36.

## DÉLAIS : APPELS

La session d'hiver de la Cour suprême du Canada commencera le 12 janvier 2004.

Conformément à la *Loi sur la Cour suprême* et aux *Règles*, il faut se conformer aux exigences suivantes avant qu'un appel puisse être entendu:

**Le dossier de l'appelant, son mémoire et son recueil de jurisprudence et de doctrine** doivent être déposés dans les douze semaines du dépôt de l'avis d'appel ou douze semaines de la décision de la requête pour formulation d'une question constitutionnelle.

**Le dossier de l'intimé (le cas échéant), son mémoire et son recueil de jurisprudence et de doctrine** doivent être déposés dans les huit semaines suivant la signification des documents de l'appelant.

**Le mémoire de l'intervenant et son recueil de jurisprudence et de doctrine**, le cas échéant, doivent être déposés dans les huit semaines suivant l'ordonnance autorisant l'intervention ou dans les vingt semaines suivant le dépôt de l'avis d'intervention visé au paragraphe 61(4).

**Le recueil condensé des parties**, le cas échéant, doivent être déposés le jour de l'audition de l'appel.

Le registraire inscrit l'appel pour audition après le dépôt du mémoire de l'intimé ou à l'expiration du délai de huit semaines prévu à la règle 36.

**THE STYLES OF CAUSE IN THE PRESENT TABLE ARE THE STANDARDIZED STYLES OF CAUSE (AS EXPRESSED UNDER THE "INDEXED AS" ENTRY IN EACH CASE).**

**Judgments reported in [2002] 4 S.C.R. Part 2**

373409 Alberta Ltd. (Receiver of) v. Bank of Montreal,  
[2002] 4 S.C.R. 312, 2002 SCC 81

Nova Scotia (Attorney General) v. Walsh,  
[2002] 4 S.C.R. 325, 2002 SCC 83

R. v. Harvey ,  
[2002] 4 S.C.R. 311, 2002 SCC 80

R. v. Squires,  
[2002] 4 S.C.R. 323, 2002 SCC 82

Wewaykum Indian Band v. Canada,  
[2002] 4 S.C.R. 245, 2002 SCC 79

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**LES INTITULÉS UTILISÉS DANS CETTE TABLE SONT LES INTITULÉS NORMALISÉS DE LA RUBRIQUE "RÉPERTORIÉ" DANS CHAQUE ARRÊT.**

**Jugements publiés dans [2002] 4 R.C.S. Partie 2**

373409 Alberta Ltd. (Séquestre de) c. Banque de Montréal, [2002] 4 R.C.S. 312, 2002 CSC 81

Bande indienne Wewaykum c. Canada,  
[2002] 4 R.C.S. 245, 2002 CSC 79

Nouvelle-Écosse (Procureur général) c. Walsh,  
[2002] 4 R.C.S. 325, 2002 CSC 83

R. c. Harvey,  
[2002] 4 R.C.S. 311, 2002 CSC 80

R. c. Squires,  
[2002] 4 R.C.S. 323, 2002 CSC 82

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SUPREME COURT OF CANADA SCHEDULE  
CALENDRIER DE LA COUR SUPREME

- 2003 -

04-07-2002

OCTOBER - OCTOBRE						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
			1	2	3	4
5	M 6	7	8	9	10	11
12	H 13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

NOVEMBER - NOVEMBRE						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
						1
2	M 3	4	5	6	7	8
9	10	H 11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

DECEMBER - DECEMBRE						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
	M 1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	H 25	H 26	27
28	29	30	31			

- 2004 -

JANUARY - JANVIER						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
				H 1	2	3
4	5	6	7	8	9	10
11	M 12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

FEBRUARY - FÉVRIER						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
1	2	3	4	5	6	7
8	M 9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29						

MARCH - MARS						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	M 15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

APRIL - AVRIL						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
				1	2	3
	5	6	7	8	H 9	10
11	H 12	13	14	15	16	17
18	M 19	20	21	22	23	24
25	26	27	28	29	30	

MAY - MAI						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
						1
2	3	4	5	6	7	8
9	M 10	11	12	13	14	15
16	17	18	19	20	21	22
23	H 24	25	26	27	28	29
30	31					

JUNE - JUIN						
S	M	T	W	T	F	S
D	L	M	M	J	V	S
		1	2	3	4	5
6	M 7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Sittings of the court:  
Séances de la cour:

Motions:  
Requêtes:

Holidays:  
Jours fériés:



18 sitting weeks/semaines séances de la cour  
87 sitting days/journées séances de la cour  
9 motion and conference days/ journées  
requêtes.conférences  
3 holidays during sitting days/ jours fériés  
durant les sessions