

“Supreme One-Liners”

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(Jan. 1 – Dec. 20, 2013)

New Today

APPEAL (1)

Criminal Law: Prostitution

[*Canada \(Attorney General\) v. Bedford*](#) (Ont. C.A., Mar. 26, 2012)(34788) Dec. 20, 2013
ss.210 (brothels), 212(1)(j) (pimping), 213 (1)(c) (solicitation) provisions constitutionally invalid.

JUMP TO

[Appeals](#)

[Oral Judgments \(on Appeals\)](#)

[Leaves to Appeal Granted](#)

APPEALS

Aboriginal Law: Duty to Consult; Abuse of Process

[*Behn v. Moulton Contracting Ltd.*](#) (B.C.C.A., July 6, 2011)(34404) May 9, 2013
Duty to consult collective; abuse of process doctrine flexible.

Aboriginal Law: Métis

[*Manitoba Metis Federation Inc. v. Canada \(A.G.\)*](#) (Man. C.A., July 7, 2010)(33880) Mar. 8, 2013
Section 31 of the *Manitoba Act* constitutes a constitutional obligation to Métis people.

Bankruptcy & Insolvency: Pensions

[*Sun Indalex Finance, LLC v. United Steelworkers*](#) (Ont. C.A., April 7, 2011; Sept. 7, 2011)(34308) Feb. 1, 2013
Secured creditors take priority over pensioned employees.

Civil Procedure/Language Rights: English Translation of French Court Documents

[*Conseil Scolaire Francophone de la Colombie -Britannique, et al. v. British Columbia*](#) (B.C.C.A., June 27, 2012)(34908) July 26, 2013
BC non-English court documents to be translated.

Civil Procedure/Police: Issue Estoppel

[Penner v. Niagara \(Regional Police Services Board\)](#) (Ont. C.A., Sept. 27, 2010)(33959) April 5, 2013
Flexible approach to issue estoppel re police disciplinary hearings.

Civil Procedure: Arbitration; Compound v. Simple Interest

[British Columbia \(Forests\) v. Teal Cedar Products Ltd.](#)(B.C.C.A., Feb. 13, 2012)(34769) Oct. 4, 2013
Arbitrators in this case cannot award compound interest.

Civil Procedure: Settlement Privilege; Pierringer Agreements

[Sable Offshore Energy Inc. v. Ameron International Corp.](#) (N.S.C.A., Dec. 22,2011)(34678) June 21, 2013
Settlement negotiations, and settlements, are confidential.

Class Actions: Certification requirements, indirect purchasers, passing-on defence, commonality

[Pro-Sys Consultants Ltd. et al. v. Microsoft Corporation et al.](#)(B.C.C.A., April 15, 2011)(34282) Oct. 31,2013
Clarification as to a range of class action litigation issues.

Class Action: Certification; Market Timing

[AIC Limited et al v. Dennis Fischer et al](#) (Ont. C.A., Jan. 27, 2012)(34738) Dec. 12, 2013
Clarification of the “preferability requirement”.

Class Actions/Competition Law: Price-Fixing

[Sun-Rype Products Ltd. et al. v. Archer Daniels Midland Company et al.](#) (B.C.C.A., April 15, 2011)(34283)
Oct. 31, 2013
When can indirect and direct purchasers sue.

Class Actions/Competition Law: Price-Fixing

[Infineon Technologies AG, et al. v. Option Consommateurs, et al.](#)(Que. C.A., Nov. 16, 2011)(34617) Oct. 31, 2013
Clarification of class actions law in Quebec.

Commercial Law/Employment Law in Québec: Non-Compete and Non-Solicitation Clauses

[Payette v. Guay inc.](#) (Que. C.A., Dec. 12, 2011)(34662) Sept. 12, 2013
Non-compete/non-solicitation clauses where context commercial or employment.

Constitutional Law: Division of Powers

[Marine Services International Ltd. v. Ryan Estate](#) (N.L. C.A., June 15, 2011)(34429) Aug. 2, 2013
Provincial workers comp legislation applies in this maritime fatality case.

Contracts in Québec: Rectification

[Québec \(Agence du Revenu\) v. Services Environnementaux AES Inc.](#) (Que. C.A., Mar. 4, 2011)(34235)

(Que. C.A., May 20, 2011)(34393) Nov. 28, 2013

When rectification can be ordered to conform to parties' intentions.

Criminal Law: Baby Concealment

[R. v. A.D.H.](#) (Sask. C.A., Jan. 12, 2011)(34132) May 17, 2013

Subjective *mens rea* required.

Criminal Law/Charter: Prisoner Mobility

[Divito v. Canada \(Public Safety and Emergency Preparedness\)](#)(Fed. C.A., Feb. 3, 2011)(34128) Sept. 19, 2013

Canadian prisoners serving time abroad do not have s.6 mobility rights.

Criminal Law: Concealing Dead Body of a Child

[R. v. Levkovic](#) (Ont. C.A., Dec. 7, 2010)(34229) May 3, 2013

S. 243 not unconstitutional for vagueness; evidence child likely born alive enough.

Criminal Law: Conspiracy

[R. v. J.F.](#) (Ont. C.A., April 6, 2011)(34284) Mar. 1, 2013

Definition of what's needed for s. 21 offence of conspiracy.

Criminal Law: Defences; Parties; Abandonment

[R. v. Gauthier](#) (Que. C.A., July 26, 2011)(34444) June 7, 2013

When alternative defences go/don't go to jury; principles of abandonment.

Criminal Law: Duress

[R. v. Ryan](#) (N.S. C.A., Mar. 29, 2011)(34272) Jan. 18, 2013

If you know coercion or threats are a possibility, not duress.

Criminal Law: Evidentiary Reliability; Burden; Trial Judge 'Self- Instruction'

[R. v. Sanichar](#) (Ont. C.A., Feb. 22, 2012)(34720) Jan. 24, 2013

Whether to self-instruct by a trial judge is discretionary.

Criminal Law: Forfeiture

[R. v. Manning](#) (Que. C.A., May 16, 2011)(34358) Jan. 17, 2013

A truck driven while impaired can be forfeited.

Criminal Law: Hearsay; Implied Assertion of Factual Propositions

[R. v. Christopher Baldree](#) (Ont. C.A., Mar. 2, 2012)(34754) June 19, 2013

Exclusionary rule applies to both 'express hearsay' and 'implied hearsay'.

Criminal Law: Immigration Consequences To Sentencing

[R. v. Pham](#) (Alta. C.A., June 28, 2012)(34897) Mar. 14, 2013

Guidance re two possible sentences; collateral consequences.

Criminal Law: Impaired “Straddle” Evidence

[R. v. Mihai Ibanescu](#) (Que. C.A., Feb. 14, 2012)(34653) May 30, 2013
“Straddle” evidence can show a reasonable doubt.

Criminal Law: Informer Privilege

[R. v. Named Person B](#) (Que. S.C., Sept. 17, 2010)(34053) Feb. 22, 2013
Informer confidentiality when promised, continues.

Criminal Law: Motions to Adduce Fresh Evidence

[R. v. Hay](#) (Ont. C.A., May 12, 2009)(33536) Nov. 8, 2013
Circumstances when fresh evidence can be adduced (here, a haircut).

Criminal Law: Police Interception of Text Messages

[R. v. TELUS](#) (Ont. S.C., Mar. 4, 2011) (34252) Mar. 27, 2013
Search warrant needed to access text messages.

Criminal Law: Prior Inconsistent Statements

[R. v. Youvarajah](#) (Ont. C.A., Oct. 20, 2011)(34732) July 25, 2013
When should prior inconsistent statements be admitted, and when not.

‘Criminal’ Law/Provincial Offences: Strict Liability; Due Diligence

[La Souveraine, Compagnie d’assurance générale v. Autorité des marchés financiers](#) (Que. C.A., Jan. 10, 2012)(34699) Nov. 21, 2013
When is the due diligence defence available/not available.

Criminal Law: Provocation

[R. v. Buzizi](#) (Que. C.A., May 15, 2012) (34899) May 10, 2013
When provocation should be put to the jury.

Criminal Law: Provocation

[R. v. Pappas](#)(Alta. C.A., July 12, 2012)(34951) Oct. 25, 2013
‘Air of reality’ test, & the objective and subjective elements of provocation.

Criminal Law: (Self-Induced) Provocation

[R. v. Cairney](#) (Alta. C.A., Oct. 5, 2011)(34848) Oct. 25, 2013
As above, except in context of so-called self-induced provocation.

Criminal Law: Reasonableness of Verdict Based On Jury's Assessment of Witness Credibility

[R. v. W.H.](#) (N.L. C.A., Sept. 14, 2011)(34522) April 19, 2013
Proper test for unreasonable (jury) verdict.

Criminal Law: (Roadside) Dog (“Levi”) Passes Smell Test (barely, 5:4)

[R. v. MacKenzie](#) (Sask. C.A., May 25, 2011)(34397) Sept. 27, 2013

As heading above, Levi wins, evidence goes in.

Criminal Law: (Airport) Dog (“Boris”) Passes Smell Test (unanimously)

[R. v. Chehil](#) (N.S.C.A., Sept. 16, 2011)(34524) Sept. 27, 2013

As heading above, Boris wins, evidence goes in.

Criminal Law: Search and Seizure (computers)

[R. v. Vu](#) (B.C.C.A., Dec. 28, 2011)(34687) Nov. 7, 2013

Police can, in some circumstances, also search computers.

Criminal Law: Sufficiency of Reasons; Burden of Proof

[R. v. Vuradin](#) (Alta. C.A., Oct. 7, 2011)(35143) June 27, 2013

Low threshold for sufficiency of reasons.

Criminal Law: Trial Judge Opinions

[R. v. Mailhot](#) (Que. C.A., May 23, 2012)(34881) Mar. 28, 2013

Trial judge’s charge on trial fairness means new trial.

Criminal Law: Uttering Threats

[R. v. O’Brien](#) (Man. C.A., January 26, 2012)(34694) Jan. 17, 2013

To be proved: accused intended threat is enough.

Criminal Law: Uttering Threats; Elements of the Offence

[R. v. McRae](#) (Que. C.A., Feb. 3, 2012)(34743) Dec. 6, 2013

Not necessary to prove threats were conveyed or that accused intended they be conveyed.

Employment Law: Termination; Deductibility of Pension Benefits

[IBM Canada Limited v. Richard Waterman](#) (B.C.C.A., Aug. 2, 2011)(34472) Dec. 13, 2013

Pension benefits are not to be deducted from wrongful dismissal damages.

Environmental Law: Duty to Report

[Castonguay Blasting Ltd. v. Her Majesty the Queen in Right of the Province of Ontario as represented by the Minister of the Environment](#) (Ont. C.A., Mar. 16, 2012)(34816) Oct. 17, 2013

When in doubt, report.

Extradition

[Attorney General of Canada on behalf of the Czech Republic and Minister of Justice of Canada v. Bretislav Zajicek](#) (Ont. C.A., February 14, 2012)(34767) May 13, 2013

Evidence to extradite.

Family Law In Quebec: Common Law Spouses

[Quebec \(Attorney General\) v. A](#) (Que. C.A. Nov. 3, 2010)(33990) Jan 25, 2013

De facto spouses in Quebec cannot sue for spousal support.

Health Law: End-of-Life Decisions

[Cuthbertson v. Rasouli](#) (Ont. C.A., June 29, 2011)(34362) Oct. 18, 2013

Consent and Capacity Board decides, subject to J.R.; correctness standard.

Human Rights: Hateful Speech

[Saskatchewan \(Human Rights Commission\) v. Whatcott](#) (Sask. C.A., Feb. 25, 2010)(33676) Feb. 27, 2013

Saskatchewan Human Rights Code, re hate speech, is constitutional.

Immigration: Refugees; Complicity in Crimes Against Humanity

[Ezokola v. Canada \(Citizenship and Immigration\)](#) (Fed. C.A. July 15, 2011)(34470) July 19, 2013

'Significant contribution test' for crimes against humanity refugees.

Immigration: Refugees; Process Re Standard of Review; "National Interest"

[Agraira v. Canada \(Public Safety and Emergency Preparedness\)](#) (Fed. C.A., March 17, 2011)(34258) June 20, 2013

Minister's inadmissibility decision entitled to deference.

International Law: Jurisdictional Immunity

[Amaratunga v. Northwest Atlantic Fisheries Organization](#) (N.S.C.A., Aug. 23, 2011) Nov. 29, 2013

International organizations have immunity based on agreement not customary international law.

Labour Law: Mandatory Random Alcohol & Drug Testing

[Communications, Energy and Paperworkers Union of Canada, Local 30 v. Irving Pulp & Paper, Limited](#)

(N.B.C.A July 7, 2011)(34473) June 14, 2013

Testing OK only if dangerous workplace/in collective agreement.

Labour Law: Strikes; Personal Information; Privacy

[Alberta \(Information and Privacy Commissioner\) v. United Food and Commercial Workers, Local 401](#)

(Alta. C.A., April 30, 2012)(34890) Nov. 15, 2013

No breach of statutory privacy to post photos of workers during strikes.

Legislation: Retroactivity; Res Judicata; Legislature v. Courts

[Régie des rentes du Québec v. Canada Bread Company Ltd.](#) (Que. C.A., Aug. 22, 2011)(34505) Sept. 13, 2013

Legislatures can enact legislation that has retrospective effect.

Municipal Law: Expropriation

[Antrim Truck Centre Ltd. v. Ontario \(Transportation\)](#)(Ont. C.A., June 2, 2011)(34413) Mar. 7, 2013

Reasonableness of interference determined by balancing competing interests.

Pharmaceuticals: Generics

[Katz Group Canada Inc. v. Ontario \(Health and Long-Term Care\)](#) (Ont. C.A., Dec. 23, 2011)(34647) Nov. 22, 2013

Provincial regulation re: pricing of generics is constitutionally valid.

Pharmaceuticals: Generics

[Shoppers Drug Mart Inc., Shoppers Drug Mart \(London\) Limited and Sanis Health Inc. v. Minister of Health and Long-Term Care, Lieutenant Governor -In -Council of Ontario and Attorney General of Ontario](#) (Ont. C.A., Dec. 23, 2011)(34649) Nov. 22, 2013

Provincial regulation re: pricing of generics is constitutionally valid.

Police: Access to Counsel

[Wood v. Schaeffer](#) (Ont. C.A., Nov. 15, 2011)(34621) Dec. 19, 2013

Police cannot access counsel in preparation of notes, can after filed.

Professions: Amicus Hourly Rates

[Ontario v. Criminal Lawyers' Association of Ontario](#) (Ont. C.A., April 19, 2011)(34317) Aug. 1, 2013

Courts do not have jurisdiction to set rates.

Professions: Conflicts of Interest

[Canadian National Railway v. McKercher LLP et al.](#) (Sask. C.A., Sept. 28, 2011)(34545) July 5, 2013

What's a breach of the 'bright line rule'.

Real Property: Resulting Trust v. Unjust Enrichment

[Edward Sumio Nishi v. Rascal Trucking Ltd.](#) (B.C.C.A. Aug. 17, 2011)(34510) June 13, 2013

Presumption of resulting trust is rebutted.

Securities: Regulation; "Secondary Proceedings"; Standard of Review; Limitation Periods

[Patricia McLean v. Executive Director of the British Columbia Securities Commission](#) (B.C.C.A., Nov. 10, 2011)(34593) Dec. 5, 2013

Inter-provincial "secondary proceedings" are OK.

Tax: Qualifying Amalgamations

[Envision Credit Union v. Canada](#) (Fed. C.A. Nov. 21, 2011)(34619) Sept. 26, 2013

Tax transactions here resulted in a qualifying amalgamation.

Tax: Reforestation Costs

[R v. Daishowa-Marubeni International Ltd.](#) (Fed. C.A. Sept. 23, 2011)(34534) May 23, 2013

Forest seller doesn't include reforestation costs in sale proceeds.

Torts: Medmal

[Ediger v. Johnston](#) (B.C.C.A., May 30, 2011) (34408) Apr. 4, 2013

Failing to ensure back-up C-section staff immediately available = negligence.

Torts: Medmal; Judges' Reasons

[Eric Victor Cojocaru, an infant by his Guardian Ad Litem, Monica Cojocaru et al. v. British Columbia](#)

[Women's Hospital and Health Center et al.](#) (B.C.C.A., April 14, 2011)(34304) May 24, 2013

Extensive copying (by judge) not enough *per se* to overturn judgment.

ORAL JUDGMENTS (ON APPEALS)

Criminal Law: Conspiracy

[R. v. Murphy](#) (N.S. C.A., Sept. 6, 2012)(34980) April 16, 2013

LeBel J.: "... the verdict was not unreasonable. The appeal is dismissed."

Criminal Law: Parties To An Offence

[R. v. Lévesque](#) (Que. C.A., June 7, 2011)(34417) April 16, 2013

What's needed to be party to an offence.

Criminal Law: Sexual Offences

[R. v. R.L.](#) (Que. C.A., April 5, 2012)(34871) Oct. 18, 2013

The Que. C.A. was right to dismiss the extension of time application.

Criminal Law: Sexual Offences; Severing Counts

[R. v. F.O.B.](#) (B.C.C.A., May 22, 2012)(34889) Feb. 15, 2013

Chief Justice: "... appeal ... allowed, for the reasons of Chief Justice Finch."

Criminal Law: Sexual Offences; Evidence Assessment

[R. v. P.G.T.](#) (N.L. C.A., June 13, 2012)(34934) Mar. 1, 2013

Justice Fish: "... appeal ... allowed for the reasons given by Hoegg J.A."

Extradition (To Canada)

[R. v. E.F.M.](#) (N.S. C.A., Dec 8, 2011)(34650) April 22, 2013.

Chief Justice: "... the right of the accused to be tried within a reasonable time was violated".

LEAVES TO APPEAL GRANTED

Aboriginal Law: Harvesting Clauses

To what extent does a "harvesting clause" apply to forestry activities.

[Andrew Keewatin Jr., et al. v. Minister of Natural Resources, et al.](#) (Ont. C.A., Mar. 18, 13)(35379) Sept.

19, 2013

Aboriginal Law: Title

Is there aboriginal title and a right to harvest here.

William, et al. v. Province of B.C., et al. ([B.C.C.A., June 27, 2012](#))(34986) Jan. 24, 2013

Aboriginal Law: Two Many Chiefs; Enough Indians (As voters)

What are the requirements for Band elections.

Chief Sheldon Taypotat, et al. v. Louis Taypotat ([Fed. C.A., Aug. 13, 2013](#))(35518) Dec. 19, 2013

Airlines: Official Languages

What is the status of language complaints against Air Canada.

Thibodeau, et al. v. Air Canada, et al. ([Fed. C.A., Sept. 25, 2012](#))(35100) May 2, 2013

Charter: Freedom of Conscience & Religion

Can an ethics and religious culture program be faith-based.

Loyola High School, John Zucchi v. Attorney General of Quebec ([Que. C.A., Dec. 4, 2012](#))(35201) June 13, 2013

Civil Procedure/Family Law: Constitutionality of Court 'Hearing Fees'

Are court 'hearing fees' constitutional.

Trial Lawyers Association of British Columbia v. Attorney General of British Columbia ([B.C.C.A., Feb. 15, 2013](#))(35315) Sept. 12, 2013

Civil Procedure in Quebec: Admissibility of Wiretaps

Are Competition Bureau wiretaps admissible in a civil suit.

Imperial Oil v. Simon Jacques, et al. ([Que. C.A., Dec. 17, 2012](#))(35226) June 6, 2013

Civil Procedure in Quebec: Admissibility of Wiretaps

Are Competition Bureau wiretaps admissible in a civil suit.

Couche-Tard Inc., Alimentation Couche-Tard Inc., Dépan-Escompte Couche-Tard Inc., et al. v. Simon Jacques, et al. ([Que. C.A., Dec. 17, 2012](#))(35231) June 6, 2013

Civil Procedure in Quebec: Mediation; 'Homologation'

Can mediation/settlement negotiations be later used as evidence at trial.

Union Carbide Canada Inc., et al. v. Bombardier inc., et al. ([Que. C.A., July 17, 2012](#))(35008) April 11, 2013

Class Actions in Quebec: Banking; Foreign Exchange

Disclosure of foreign exchange conversion charges as a "credit charge".

Banque de Montréal, et al. v. Marcotte, et al. ([Que. C.A., Aug. 2, 2012](#))(35009) April 11, 2013

Class Actions in Quebec: Banking; Foreign Exchange

Similar summary to that immediately above.

Marcotte v. Fédération des caisses Desjardins du Québec ([Que. C.A., Aug. 2, 2012](#)) (35018) April 11, 2013

Class Actions in Quebec: Banking; Foreign Exchange

Similar summary to that immediately above.

Amex Bank of Canada v. Adams, et al. ([Que. C.A., Aug. 2, 2012](#))(35033) April 11, 2013

Competition Law: Mergers

Can a merger be blocked as preventing real and substantial competition in the marketplace.

Tervita Corporation, et al. v. Commissioner of Competition ([Fed. C.A., Feb. 11, 2013](#)) (35314) July 11, 2013

Constitutional Law: Res Judicata

Does *res judicata* exist legislatively and constitutionally.

A.G. Can. v. Confédération des syndicats nationaux, et al. ([Que. C.A., Oct. 10, 2012](#))(35124) May 2, 2013

Contracts: Arbitration Award

What is the appropriate arbitrated finder's fee for a mining deposit acquisition.

Sattva Capital Corporation v. Creston Moly Corporation ([B.C.C.A., Aug. 7, 2012](#))(35026) Mar. 7, 2013

Contracts: Implied Terms of Good Faith

When is there an implied term of good faith in contract renewal.

Harish Bhasin, carrying on business as Bhasin & Associates v. Larry Hrynew, et al. ([Alta. C.A., Mar. 18, 2013](#))(35380) Aug. 22, 2013

Criminal Law: (Alleged) Ineffective Assistance of Counsel

Publication ban in context of series of 'historical' sexual offences.

W.E.B. v. R. ([Ont. C.A., Nov. 14, 2012](#))(35089) May 2, 2013

Criminal Law: Arrest; Right to Counsel

When s. 10(a) & (b) breaches means evidence excluded.

R. v. Mohammad Hassan Mian ([Alta. C.A., Oct. 18, 2012](#))(35132) May 16, 2013

Criminal Law: Child Porn (On Your Sister's Computer)

Does using a peer-to-peer file-sharing software program = porn.

Spencer v. R. ([Sask. C.A., Nov. 25, 2011](#)) (34644) Jan. 24, 2013

Criminal Law: Constitutionality of NCR Orders

Are NCR orders contrary to ss. 7 & 9.

A.G. Canada v. Kobzar ([Ont. C.A., May 16, 2012](#)) (34925) Jan. 24, 2013

Criminal Law: Forfeiture

When is disclosure of wiretap evidence appropriate.

Director of Civil Forfeiture v. Hells Angels Motorcycle Corporation, et al. (B.C.S.C., Oct. 19, 2012)(35134) June 13, 2013

Criminal Law: Impaired; Higher Sentences

Should prior 'DUI' convictions result in a higher sentence.

R. v. Frederick Anderson ([N.L. C.A., Jan. 10, 13](#))(35246) June 27, 2013

Criminal Law: Jury 'Representativeness'

How representative should juries be.

R. v. Clifford Kokopenace ([Ont. C.A., June 14, 2013](#))(35475) Nov. 21, 2013

Criminal Law: Legislative Retrospectivity

When can legislation be retrospective.

Calvin Clarke v. Her Majesty the Queen ([Ont. C.A., Jan. 11, 2013](#))(35487) Oct. 17, 2013

Criminal Law: Long-Gun Registry

Is the Quebec long-gun registry information to be saved.

Attorney General of Quebec v. Attorney General of Canada et al. ([Que. C.A., July 23, 2013](#))(35448) Nov. 21, 2013

Criminal Law: Long-Term v. Dangerous

Pros & cons of long-term v. dangerous offender.

J.P.S. v. R. ([Ont. C.A., Nov. 7, 2012](#))(35310) Sept. 5, 2013

Criminal Law: Manslaughter of Infant; Sentencing 'Credit'

What is the appropriate sentence here.

R. v. Sean Summers ([Ont. C.A., Mar. 12, 2013](#))(35339) Aug. 15, 2013

Criminal Law: "Mr. Big"

Publication ban, RCMP "Mr. Big" sting.

R. v. N.L.H. ([N.L. C.A., Sept. 17, 2012](#))(35049) Feb. 28, 2013

Criminal Law: "Mr. Big"

Sealing order in context of a "Mr. Big" sting.

D.R.M. v. R. ([Alta. C.A., Feb. 27, 2012](#))(35093) April 11, 2013

Criminal Law: Parole

Is the *Abolition of Early Parole Act* constitutional.

A.G. Can., et al. v. Christopher John Whaling, et al. ([B.C.C.A., Nov. 2, 2012](#))(35024) April 11, 2013

Criminal Law: Pre-Sentence Custody

Can accused be credited at 1.5 days ratio for every day in pre-sentence custody.

R. v. Carvery ([N.S. C.A., Oct. 3, 2012](#))(35115) April 11, 2013

Criminal Law: Right to Counsel

What are the rights to counsel where a cell phone is seized.

Kevin Fearon v. R. ([Ont. C.A., Feb. 20, 2013](#)) (35298) July 11, 2013

Criminal Law: Robbery; Remands for Assessment

When should there be a remand for assessment.

R. v. John Melville Steele ([Man. C.A., Mar. 13, 2013](#))(35364) Aug. 22, 2013

Criminal Law: Sexual Offences; Disclosure

Should police “occurrence reports” be disclosed.

R. v. V.Q. ([Ont. C.A., Mar. 26, 2013](#))(35390) Aug. 22, 2013

Employment Law in Québec: Termination

Was the Quebec Commission des normes du travail ruling correct in this case.

Commission des normes du travail v. Asphalte Desjardins Inc. ([Que. C.A., Mar. 19, 2013](#))(35375) Sept. 5, 2013

Employment Law: Termination

Was there dismissal here, constructive or otherwise.

David M. Potter v. New Brunswick Legal Aid Services Commission, a statutory body corporate pursuant to a special act of the Province of New Brunswick ([N.B.C.A., April 25, 2013](#))(35422) Oct. 10, 2013

Evidence: Admissibility of Expert Reports

When should expert reports be admitted/excluded.

White Burgess Langille Inman, carrying on business as WBLI Chartered Accountants et al. v. Abbott and Haliburton Company Limited et al. ([N.S. C.A., May 24, 2013](#))(35492) Nov. 21, 2013

Extradition

Can Canadian police send wiretap evidence to U.S. police.

Andrew Gordon Wakeling, et al. v. Attorney General of Canada on behalf of the U.S.A., et al. ([B.C.C.A., Oct. 9, 2012](#))(35072) June 13, 2013

Immigration: Refugees

Refugee status when crime committed.

Luis Alberto Hernandez Febles v. Minister of Citizenship and Immigration ([Fed. C.A., Dec. 7, 2012](#)) (35215) July 4, 2013

International Law: State Immunity

Is there state immunity where Canadian citizen is in Iran.

Estate of Kazemi et al. v. Iran et al. ([Que. C.A., Aug. 15, 2012](#))(35034) Mar. 7, 13

Labour Law: Charter Challenges

Is the federal *Expenditure Restraint Act* constitutional.

Robert Meredith, et al. v. A.G. of Canada ([Fed. C.A., Apr. 26, 2013](#))(35424) Sept. 19, 2013

Labour Law: Essential Services Legislation

Is this legislation constitutional.

Saskatchewan Federation of Labour (in its own right and on behalf of the unions and workers in the Province of Saskatchewan) et al. v. Her Majesty the Queen, in Right of the Province of Saskatchewan ([Sask. C.A., Apr. 26, 2013](#))(35423) Oct. 17, 2013

Labour Law: Good Faith Bargaining

Did the National Gallery bargain in good faith.

Canadian Artists' Representation/Front des artistes canadiens, et al. v. National Gallery of Canada ([Fed. C.A., Mar. 4, 2013](#))(35353) Aug. 15, 2013

Maritime Law: Fishing for Crab but Catching Telephone Cables

Is crab fisherman liable in damages to telecoms.

Peracom Inc., et al. v. Telus, et al. ([Fed. C.A., June 29, 2012](#)) (34991) Jan. 24, 2013

Municipal Law in Québec : Non-Conforming Uses

Was there a legal non-conforming use here.

Immeubles Jacques Robitaille Inc. v. City of Québec ([Que. C.A., Feb. 7, 2013](#)) (35295) July 11, 2013

Professions: Access to Law Firm Information

Solicitor-client privilege v. federal legislation.

Attorney General of Canada v. Federation of Law Societies of Canada ([B.C.C.A., April 4, 2013](#))(35399) Oct. 10, 2013

Professions: Mandatory Retirement

Is there mandatory retirement for private practice lawyers in B.C.

McCormick v. Faskens ([B.C.C.A., July 19, 2012](#))(34997) Mar. 7, 13

Real Property: Real Estate Commission

Is the broker entitled to commission.

Société en commandite Place Mullins 139612 Canada inc. v. Services immobiliers Diane Bisson inc. ([Que. C.A., May 10, 2013](#))(35461) Dec. 19, 2013

Transportation Law: Railways; Orders-In-Council

Sealing order in context of freight rate fuel surcharges.

C.N., et al. v. A.G. Can., et al. ([Fed. C.A., Nov. 2, 2012](#))(35145) April 11, 2013

Workers Comp: Chronic Stress

Is chronic stress eligible for Workers Comp.

Douglas Martin v. Workers' Compensation Board of Alberta et al. ([Alta. C.A., Aug. 29, 2012](#))(35052) Mar. 7, 2013