



COURT OF APPEAL

British Columbia Court of Appeal
Practice Note (Civil & Criminal)
Title: Frequently Cited Authorities

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Pursuant to Rule 40(9) of the *Court of Appeal Rules*, the following are lists of authorities which the Court does not require the parties to reproduce in their book of authorities. Instead, where one of these authorities is being relied upon, the Court of Appeal requires that the party reproduce only the headnote and the passage relied upon in the book of authorities. The authorities are listed alphabetically.

1. Civil Case List

472900 B.C. Ltd. v. Thrifty Canada Ltd. (1998), 57 B.C.L.R. (3d) 332 (C.A.)

Athey v. Leonati, [1996] 3 S.C.R. 458

Baker v. Canada (Minister of Citizenship and Immigration), [1999] 2 S.C.R. 817

Blank v. Canada (Minister of Justice), 2006 SCC 39, [2006] 2 S.C.R. 319

Borowski v. Canada (Attorney General), [1989] 1 S.C.R. 342

Bracklow v. Bracklow, [1999] 1 S.C.R. 420

British Columbia (Attorney General) v. Wale (1986), 9 B.C.L.R. (2d) 333 (C.A.), aff'd [1991] 1 S.C.R. 62

Canada (Attorney General) v. Public Service Alliance of Canada, [1993] 1 S.C.R. 941

Canada (Attorney General) v. Ward, [1993] 2 S.C.R. 689

Canada (Director of Investigations and Research) v. Southam, [1997] 1 S.C.R. 748

Canadian Pacific Ltd. v. Matsqui Indian Band, [1995] 1 S.C.R. 3

Canadian Union of Public Employees Local 963 v. New Brunswick Liquor Corp., [1979] 2 S.C.R. 227

Central Trust Co. v. Rafuse, [1986] 2 S.C.R. 147

Committee for Justice and Liberty v. Canada (National Energy Board), [1978] 1 S.C.R. 369

Consolidated-Bathurst v. Mutual Boiler, [1980] 1 S.C.R. 888

Cory v. Marsh (1993), 77 B.C.L.R. (2d) 248 (C.A.), leave to appeal refused [1993] 2 S.C.R. vii

Donoghue v. Stevenson, [1932] A.C. 562 (H.L.)

Dunsmuir v. New Brunswick, 2008 SCC 9, [2008] 1 S.C.R. 90

Elsom v. Elsom, [1989] 1 S.C.R. 1367

F.H. v. McDougall, 2008 SCC 53, [2008] 3 S.C.R. 41

Fletcher v. Manitoba Public Insurance Co., [1990] 3 S.C.R. 191

Gordon v. Goertz, [1996] 2 S.C.R. 27

Hartshorne v. Hartshorne, 2004 SCC 22, [2004] 1 S.C.R. 550

Hayes Forest Services Limited v. Weyerhaeuser Company Limited, 2008 BCCA 120, 253 B.C.A.C. 238

Hercules Management Ltd. v. Ernst & Young, [1997] 2 S.C.R. 165

Hickey v. Hickey, [1999] 2 S.C.R. 518

Hodgkinson v. Simms, [1994] 3 S.C.R. 377

Housen v. Nikolaisen, 2002 SCC 33, [2002] 2 S.C.R. 235

Hunt v. Carey Canada Inc., [1990] 2 S.C.R. 959

Hunter v. Southam Inc., [1984] 2 S.C.R. 145

I.W.A. v. Consolidated-Bathurst Packaging Ltd., [1990] 1 S.C.R. 282.

Juman v. Doucette, 2008 SCC 8, [2008] 1 S.C.R. 157

Kane v. Board of Governors of the University of British Columbia, [1980] 1 S.C.R. 1105

Keefer Laundry Ltd. v. Pellerin Milnor Corp., 2009 BCCA 273, 271 B.C.A.C. 307

LAC Minerals Ltd. v. International Corona Resources, [1989] 2 S.C.R. 574

Law v. Canada (Minister of Employment & Immigration), [1999] 1 S.C.R. 497

Law Society of New Brunswick v. Ryan, 2003 SCC 20, [2003] 1 S.C.R. 247

Miglin v. Miglin, 2003 SCC 24, [2003] 1 S.C.R. 303

Moge v. Moge, [1992] 3 S.C.R. 813

Morguard Investments Ltd. v. De Savoye, [1990] 3 S.C.R. 1077

Nance v. British Columbia Electric Railway, [1951] A.C. 601 (P.C.)

Newson v. Newson (1986), 3 B.C.L.R. (2d) 1 (C.A.)

Nicholson v. Haldimand-Norfolk (Regional) Police Commissions, [1979] 1 S.C.R. 311

Orangeville Raceway Ltd. v. Wood Gundy Inc. (1995), 6 B.C.L.R. (3d) 391 (C.A.)

Peter v. Beblow, [1993] 1 S.C.R. 980

Pettkus v. Becker, [1980] 2 S.C.R. 834

Power Consolidated (China) Pulp Inc. v. B.C. Resources Investment Corp. (1988), 19 C.P.C. (3d) 396 (C.A.)

Queen v. Cognos Inc., [1993] 1 S.C.R. 87

Radke v. S. (M.) (Litigation Guardian of), 2006 BCCA 12, 49 B.C.L.R. (4th) 82

Rawluk v. Rawluk, [1990] 1 S.C.R. 70

Rizzo v. Rizzo Shoes Ltd., [1998] 1 S.C.R. 27

R.J.R. – MacDonald Inc. v. Canada (Attorney General), [1994] 1 S.C.R. 311

Rutherford v. Rutherford (1981), 30 B.C.L.R. 145 (C.A.)

Sorochan v. Sorochan, [1986] 2 S.C.R. 38

Soulos v. Korkontzilas, [1997] 2 S.C.R. 217

Stein v. The Ship "Kathy K", [1976] 2 S.C.R. 802

Toneguzzo-Norvell (Guardian ad litem of) v. Burnaby General Hospital, [1994] 1 S.C.R. 114

Tataryn v. Tataryn Estate, [1994] 2 S.C.R. 807

Toronto Board of Education v. Ontario Secondary School Teachers' Federation, District 15, [1997] 1 S.C.R. 487

Tucker (Public Trustee of) v. Asleson (1993), 78 B.C.L.R. (2d) 173 (C.A.)

Van de Perre v. Edwards, 2001 SCC 60, [2001] 2 S.C.R. 1014

Van Mol (Guardian ad litem of) v. Ashmore (1999), 58 B.C.L.R. (3d) 305, 1999 BCCA 6, leave to appeal refused [2000] 1 S.C.R. vi

Voth Bros. Construction (1974) Ltd. v. National Bank of Canada (1987), 12 B.C.L.R. (2d) 43 (C.A.)

Whiten v. Pilot Insurance Co., 2002 SCC 18, [2002] 1 S.C.R. 595

Young v. Young, [1993] 4 S.C.R. 3

2. Criminal Case List

Palmer v. The Queen, [1980] 1 S.C.R. 759

R v. B. (K.G.), [1993] 1 S.C.R. 740

R. v. Biniaris, 2000 SCC 15, [2000] 1 S.C.R. 381

R. v. Burke, [1996] 1 S.C.R. 474

R. v. Burns, [1994] 1 S.C.R. 656

R. v. Collins [1987] 1 S.C.R. 265

R. v. Cooper, [1978] 1 S.C.R. 860

R. v. Dinardo, 2008 SCC 24, [2008] 1 S.C.R. 788

R. v. Gagnon, 2006 SCC 17, [2006] 1 S.C.R. 621

R. v. H.S.B., 2008 SCC 52, [2008] 3 S.C.R. 32

R. v. Lavallee, [1990] 1 S.C.R. 852
R. v. Lifchus, [1997] 3 S.C.R. 320
R. v. M. (C.A.), [1996] 1 S.C.R. 500
R. v. Mapara, 2001 BCCA 508, 158 C.C.C. (3d) 312
R. v. McDonnell, [1997] 1 S.C.R. 948
R v. Morin, [1992] 1 S.C.R. 771
R v. Oakes, [1986] 1 S.C.R. 103
R. v. O'Connor, [1995] 4 S.C.R. 411
R. v. Proulx, 2000 SCC 5, [2000] 1 S.C.R. 61
R. v. R.E.M., 2008 SCC 51, [2008] 3 S.C.R. 3
R. v. Sheppard, 2002 SCC 26, [2002] 1 S.C.R. 869,
R. v. Shropshire, [1995] 4 S.C.R. 227
R v. Starr, 2000 SCC 40, [2000] 2 S.C.R. 144
R v. Stillman, [1997] 1 S.C.R. 607
R. v. Stinchcombe, [1991] 3 S.C.R. 326
R. v. Storrey, [1990] 1 S.C.R. 241
R. v. Yebes, [1987] 2 S.C.R. 168
Valente v. The Queen, [1985] 2 S.C.R. 673
Vetrovec v. The Queen, [1982] 1 S.C.R. 811

3. Aboriginal Case List

Baker Lake v. Minister of Indian Affairs and Northern Development, [1980] 1 F.C. 518 (T.D.)

Blueberry River Indian Band v. Canada (Department of Indian Affairs and Northern Development), [1995] 4 S.C.R. 344

Calder v. Attorney General of British Columbia, [1973] S.C.R. 313

Delgamuukw v. British Columbia, [1997] 3 S.C.R. 1010

Guerin v. The Queen, [1984] 2 S.C.R. 335

Haida Nation v. British Columbia (Minister of Forests), 2004 SCC 73, [2004] 3 S.C.R. 511

Halfway River First Nation v. British Columbia (Ministry of Forests) (1999), 64 B.C.L.R. (3d) 206 (C.A.)

Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage), 2005 SCC 69 [2005] S.C.R. 388

Mitchell v. M.N.R., 2001 SCC 33, [2001] 1 S.C.R. 911

R. v. Adams, [1996] 3 S.C.R. 101

R. v. Badger, [1996] 1 S.C.R. 771

R. v. Gladstone, [1996] 2 S.C.R. 723

R v. Marshall, [1999] 3 S.C.R. 456

R. v. N.T.C. Smokehouse Ltd., [1996] 2 S.C.R. 672

R. v. Nikal, [1996] 1 S.C.R. 1013

R. v. Simon, [1985] 2 S.C.R. 387

R. v. Sioui, [1990] 1 S.C.R. 1025

R. v. Sparrow, [1990] 1 S.C.R. 1075

R. v. Sundown, [1999] 1 S.C.R. 393

R. v. Van der Peet, [1996] 2 S.C.R. 507

St. Catherine's Milling and Lumber Co. v. The Queen (1888), 14 A.C. 46 (J.C.P.C.)

Semiahmoo Indian Band v. Canada (1997), 148 D.L.R. (4th) 523 (F.C.A.)

Squamish Indian Band v. British Columbia (Minister of Sustainable Resource Management), 2004 BCSC 1320, 34 B.C.L.R. (4th) 280

Taku River Tlingit First Nation v. British Columbia (Project Assessment Director),
2004 SCC 74, [2004] 3 S.C.R. 550

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



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History:

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