Year in Review

Supreme Court of Canada
Cour suprême du Canada
The Supreme Court of Canada emblem is a symbol of the Court as the highest judicial institution in Canada. It was designed nearly a century ago by the distinguished Montreal architect Ernest Cormier, and can be found emblazoned in the marble floor of the Court’s Grand Hall leading to the Main Courtroom. As its emblem, it represents the Court’s key values of justice, independence, integrity, transparency, and bilingualism.
When I became Chief Justice just over two years ago, I committed to making the Court more open and understandable, and to enhancing access to justice for everyone. In 2019, the Court celebrated some important milestones and made meaningful progress toward these goals.

In 2019, the Minister of Justice and I signed an Accord to formalize the Court’s relationship to the other branches of the Canadian state. It goes to the heart of our democracy and rule of law. It ensures the Court remains fully independent, and is seen to be independent. This safeguards justice for all Canadians.

In September, the Court held hearings outside of Ottawa for the first time in history, in Winnipeg, Manitoba. During this visit, we spoke with Manitobans, answered their questions, and met with several communities recognized in our Constitution. Hundreds of local people got to see the Court in action, as we heard two appeals — one on the right to a trial in a reasonable time, and another on minority language education rights. I hope we can do this in other cities in the future.

In 2019, the Court issued an important decision in the area of administrative law. The Court decided as a group that the time had come to bring clarity to this area of law, which affects virtually every part of people’s lives. The resulting decision is meant to make the law clearer and more predictable for everyone. This will have profound effects in the years to come.

These accomplishments were all part of being more open and accessible. The annual Year in Review is also part of this. In this second edition, we’ve worked to provide more information in an even more engaging and approachable way. We encourage other courts and tribunals to think about ways that they can do this, too.

2019 brought other changes as well. We said goodbye to our colleague Justice Gascon, who retired in September. At the same time, we welcomed Justice Kasirer to our bench.

Happy reading!

Sincerely,

Rt. Hon. Richard Wagner, P.C.
Chief Justice of Canada
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In 2019, the Supreme Court of Canada...

- received 517 applications for leave
- granted 36 applications for leave
- received 25 notices of appeal as of right
- issued 67 decisions
  (deciding 72 cases)
- heard 69 appeals
- heard from 148 main parties
- and 241 interveners
Nine judges sit on the Supreme Court of Canada, including the Chief Justice. By law, three judges have to be from Quebec. This is because Quebec applies civil law for many non-criminal issues, which is very different from the common law applied in the rest of Canada. By tradition, three judges are from Ontario, two are from Western Canada, and one is from Atlantic Canada.

A minimum of five judges must hear each appeal, though there are usually seven or nine (it has to be an odd number to avoid a tie).

In 2019, Justice Clément Gascon retired and Justice Nicholas Kasirer was appointed in his place.

Did you know?
Judges at the Supreme Court of Canada have two sets of robes. They wear black robes to court when they hear cases. Red robes are worn for more formal occasions, like welcome ceremonies for new judges and the Speech from the Throne. The red robes are passed down from one judge to the next, and tailored to fit. Like lawyers, judges also wear white tabs at their necks, though these may sometimes be covered by the larger red robes.
Justice Russell Brown  
Born: 1965 (Vancouver, BC)  
Appointed: 2015 (Alberta)  
Law school: University of Victoria (master’s and doctorate: University of Toronto)  
Years on the bench*: 7

Justice Malcolm Rowe  
Born: 1953 (St. John’s, NL)  
Appointed: 2016 (Newfoundland and Labrador)  
Law school: Osgoode Hall  
Years on the bench*: 20

Justice Sheilah L. Martin  
Born: 1957 (Montreal, QC)  
Appointed: 2017 (Alberta)  
Law school: McGill University (master’s: University of Alberta, doctorate: University of Toronto)  
Years on the bench*: 14

Justice Nicholas Kasirer  
Born: 1960 (Montreal, QC)  
Appointed: 2019 (Quebec)  
Law school: McGill University (master’s: Université Paris I (Panthéon-Sorbonne))  
Years on the bench*: 10

Justice Clément Gascon  
Born: 1960 (Montreal, QC)  
Appointed: 2014 (Quebec)  
Retired: September 15, 2019**  
Law school: McGill University  
Years on the bench*: 17

Farewell, Justice Gascon  

“Justice Gascon has made a significant contribution to Canada and to Canadian jurisprudence during his judicial career. His thoughtful, rigorous, and collegial approach has always helped us get to the heart of the most complex issues. He has served Canadians with integrity and wisdom. All of his colleagues will miss his commitment and friendship.”  

- Chief Justice Wagner

*All court levels, as of 2019.  
**Retiring judges may continue to work on cases they heard for six months after stepping down.
An Independent and Impartial Institution

The Supreme Court of Canada is the final court of appeal for the whole country. It hears appeals from the Courts of Appeal of all provinces and territories, the Federal Court of Appeal, and the Court Martial Appeal Court of Canada. In rare cases, when there isn’t a right to appeal somewhere else, the Supreme Court can hear appeals from other courts.

The Supreme Court is independent and impartial. It only hears cases that are particularly important to the public. It helps develop Canadian law and makes sure laws are applied clearly and fairly across the country.

The Supreme Court is the only bilingual (two languages) and bijural (two legal systems) supreme court in the world. It hears and decides cases in English and French. It deals with cases from Canada’s two major traditions — common law (based on English law) and civil law (based on the French civil code, applied for most non-criminal matters in Quebec).
Under the Constitution, Canada has three separate and equal branches of state. The executive branch (the Prime Minister and Cabinet) decides policy. The legislative branch (Parliament) makes and passes laws. The judiciary (the courts) interprets laws once they are passed. It is important for the rule of law, and for the public trust, that each of these branches act within its proper role. This helps keep our democracy in balance.

Because of this, it is important for courts to be independent, and be seen to be independent. In July 2019, the Chief Justice and the Minister of Justice signed an Accord aimed at recognizing and reinforcing the independence of the Supreme Court of Canada. The Accord sets out the relationship between the Chief Justice and the Minister of Justice and Attorney General of Canada, as well as between the Court’s administration and government departments. As a public document, the Accord furthers important goals of clarity and openness.
Bringing the Court to Canadians

In September, the Supreme Court sat outside of Ottawa for the **first time** in history. It was part of the Court’s continued commitment to increasing **access to justice**.

Hundreds of people watched the judges in action at the Manitoba Court of Appeal in Winnipeg, where Supreme Court judges heard two cases. The judges also spoke to thousands of high school students and hundreds of law students. They met with members of Indigenous groups, the francophone community, and the legal community. At a meet-and-greet at the Canadian Museum for Human Rights, members of the public had the opportunity to speak one-on-one with the judges.

Access to Justice: A Priority

The Supreme Court makes **independent** and **impartial** decisions about issues that matter to everyone. This is a crucial task. That’s why it is important that people **understand** how and why a given decision was reached. It is hard to have **confidence** in something if you don’t understand it. It is hard to **trust** a decision-maker if you don’t know who they are. These are just some of the barriers that can put justice out of reach for many.

The judges of the Supreme Court of Canada believe it is important for Canadians to see how our justice system works, and who its judges are. This is why the Court decided to hear cases outside of Ottawa. It gave more people the opportunity to see Canada’s highest court **in person**.
#SCCinWinnipeg

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7. The judges take questions from the public at the Meet the Judges event on September 25, 2019. 8., 9., 10. and 11. Justices Côté, Rowe, Brown, and Moldaver speak with members of the public at the Meet the Judges event. September 27, 2019: 12. Chief Justice Wagner with Grand Chief Arlen Dumas during a meeting of the judges and the Assembly of Manitoba Chiefs. 13. and 14. Justices Côté, Rowe, and Brown hear from Ariane Freynet-Gagné, a student at the University of Saint-Boniface, during a visit with Manitoba’s francophone community. 15. Manitoba Métis Federation President David Chartrand during a lunch the Federation hosted for the judges. 16. Chief Justice Wagner and Justices Abella and Kasirer, along with Manitoba Chief Justice Richard Chartier and Dean of Law Jonathan Black-Branch, speak to Robson Hall law students.
Decisions made by governments, or those acting on their behalf, are called “administrative decisions.” They are part of “administrative law.” Most legal decisions that affect people are administrative decisions, not court ones.

An administrative decision can be anything from a letter from a benefits agency, to a town by-law, to a decision by a tribunal. Administrative decision-makers often aren’t judges or lawyers. Their decisions usually don’t look like court decisions. But judges and courts have a role. Under the Constitution, courts in Canada can make sure administrative decision-makers follow the rules. They do this through a process called “judicial review.”

When a court looks at an administrative decision, it applies a certain “standard of review.” The standard of review is the legal approach to analyzing the decision. Which standard applies depends on what kind of decision it is. But there was a lot of debate about which standard of review applied in which situation. There was also debate about how each standard should be applied.

In 2018, the judges of the Supreme Court of Canada recognized that this area of law was unclear and, in some cases, unworkable. As a group, they decided it was time to look at it again. They selected three cases, about two very different issues, through which they could fully examine the standard of review.

Along with the parties involved in each case, the Court heard from 27 interveners and two “amici curiae” over three days of hearings. (“Amicus curiae” is a Latin term meaning “friend of the court”; “amici curiae” is the plural, meaning “friends of the court.” They are independent lawyers a court asks to provide information and insight.) The Court gave parties and interveners more time and pages for arguments so they could address the complicated issues of standard of review in general, as well as the ways that it applied to their cases.
In 2019, the Court issued its decisions in the administrative law “trilogy” and changed the way courts look at administrative decisions. The goal was to make the law **clearer** and more **predictable**. This, in turn, will increase access to justice by helping people better understand how courts will look at the administrative decisions that affect them.

To learn more, read the “**Case Law in Brief** on the Standard of Review.”

**The “Trilogy”**

The Supreme Court selected three cases to change how courts look at administrative (non-court) decisions, to make the law **clearer** and more **predictable**.

**The Administrative Law Trilogy**

**Canada (Minister of Citizenship and Immigration) v. Vavilov**
- In the first decision, the Court said that a person born in Canada to parents who were undercover Russian spies was a **Canadian citizen**.

**Bell Canada v. Canada (Attorney General) (two cases)**
- In the second decision, the Court said that a decision to allow American **Super Bowl** ads to be shown in Canada went beyond the Canadian Radio-television and Telecommunications Commission’s power.
The Court in Canada...

The Court takes part in exchanges and meetings with its global counterparts at home and abroad. Judges also make speeches and give lectures in Canada and other countries. In 2019, Supreme Court judges participated in over 100 speeches and engagements, speaking to thousands of people.

- **April 12**: Publication of the Court’s first annual Year in Review
- **April 12**: Chief Justice Wagner attends the Annual Summit of the Action Committee on Access to Justice in Civil and Family Matters
- **May 16**: Justice Gascon’s last day in court before his retirement
- **June 20**: Chief Justice’s annual press conference
- **July 1**: The Supreme Court opens its doors to visitors for its annual Canada Day celebration
- **July 22**: Signing of Accord by the Chief Justice and Minister of Justice to recognize and reinforce the independence of the Supreme Court
- **September 22-27**: Supreme Court visit to Winnipeg
- **October 1**: Unveiling of touchable scale model of the SCC building for visually impaired visitors
- **November 4**: Welcome Ceremony for Justice Kasirer
- **December 5**: The justices attend the Speech from the Throne
Chief Justice Wagner **elected** to a three-year term as President of the Association des cours constitutionnelles francophones (ACCF) at the ACCF’s 8th triennial congress (Montreal). The ACCF is a group of 48 constitutional (or equivalent) courts from Africa, Europe, Asia and the Americas.

**May 2**
Visit of the Diplomatic Corps (representatives of foreign countries in Canada) to the Supreme Court (Ottawa)

**June 17**
Chief Justice Wagner and other judges attend the Asia-Pacific Judicial Colloquium (Singapore)

**July 4**
Chief Justice Wagner delivers a lecture on civility and collegiality at the **Cambridge Lectures** (Cambridge, UK)

**July 8-9**
Chief Justice Wagner and other justices participate in the United Kingdom Supreme Court/Supreme Court of Canada judicial exchange (London, UK)

**August 26**
Visit of Her Imperial Highness Princess Takamado of Japan to the Supreme Court of Canada (Ottawa)

**October 22-23**
Chief Justice Wagner **represents Canada** at the Enthronement of the Japanese Emperor and meets with judges of the Supreme Court of Japan (Tokyo, Japan)

**November 24-27**
Visit to the Supreme Court by Judges from the Supreme Court of the Netherlands (Ottawa)

**December 2**
Visit to the Supreme Court by judges of the Supreme Court of Japan (Ottawa)
A Court for all Canadians (continued)

The Supreme Court of Canada is part of a number of international court organizations, allowing it to share best practices with, and learn from, courts in other countries. The Court and its judges welcome visitors from across Canada and around the world each year. These organizations include:

- World Conference on Constitutional Justice
- Asia-Pacific Judicial Colloquium
- Association des cours constitutionnelles francophones
- Association des hautes juridictions de cassation des pays ayant en partage l’usage du français
- International Association of Supreme Administrative Jurisdictions

The Chief Justice’s Role

At the Court, the Chief Justice presides over hearings and oversees the administration of the Court. But the Chief Justice also has other duties outside the courtroom:

- acting as a deputy of the Governor General (all nine judges can fulfill this role)
- assuming the duties of the Governor General if the Governor General isn’t available
- Chair of the Canadian Judicial Council
- Chair of the Board of Governors of the National Judicial Institute
- Chair of the Advisory Council for the Order of Canada
**Communications and Outreach**

The Supreme Court hears cases that affect all Canadians, so it’s important that its work is accessible to everyone. As part of its commitment to openness and accessibility, the Supreme Court communicates directly with the public and media.

**In 2019 the Court...**

- gave 43 media briefings
- published 247 news releases
- welcomed almost 55,000 visitors
- published 43 Cases in Brief (plus two “Case Pre-Briefs” and one “Case Law in Brief”)
- reached people online almost 6 million times
- reached 1,407,955 times on our website
- reached 1,449,667 times on Facebook
- reached 3,024,901 times on Twitter

**Connecting to the Court**

To learn more about the Court and its activities, everyone can:

- **Watch** hearings live on the website, go to the archives to watch them later, or listen to audio recordings by selecting “audio only”
- Follow updates on **Facebook** and **Twitter**
- Visit the Supreme Court of Canada to **watch a hearing** in person
- **Take a tour** of the Court (it’s free, and we’re accessible to people with disabilities)
Justices Gascon and Kasirer.
Cases can come to the Supreme Court of Canada three ways. In most cases, a party has asked for leave (permission) to appeal a decision by a court of appeal. A smaller number of cases are heard “as of right,” meaning parties have a right to appeal automatically (they don’t need permission). The Court also hears “references,” which are questions that the federal government asks the Court for an opinion on.

In 2019, 552 applications for leave to appeal were given to judges to decide. The Court granted 36, or 7%. It also received 25 notices of appeal as of right. The Court didn’t receive any references in 2019. (It did receive five notices of appeal from provincial references, but these are appeals as of right at the Supreme Court.)
Applications for Leave
Referred for Decision

Number of Applications by Origin
From provinces, territories, or the federal level

Note: Not all completed applications are referred to judges for decision in the same year.

Applications by Main Area of Law

87 (16%)
Criminal Law

119 (22%)
Other

14 (3%)
Municipal Law

14 (3%)
Courts

21 (4%)
Contracts

21 (4%)
Constitutional Law

22 (4%)
Taxation

80 (14%)
Civil Procedure

39 (7%)
Canadian Charter (Non-criminal)

31 (5%)
Canadian Charter (Criminal)

30 (5%)
Administrative Law

27 (5%)
Torts

25 (4%)
Property Law

22 (4%)
Judgments and Orders
**Appeals as of Right**

In 2019, **20 of 25 appeals as of right** were criminal cases. Criminal appeals as of right can include court martial and youth criminal justice appeals. The Supreme Court must also automatically hear appeals about contested elections and certain competition issues and intergovernmental disputes, but didn’t have any of these in 2019.

**Number of Appeals as of Right by Origin**
From provinces, territories, or the federal level

ALTA.: Alberta  
B.C.: British Columbia  
F.C.A.: Federal Court of Appeal  
MAN.: Manitoba  
N.B.: New Brunswick  
N.L.: Newfoundland and Labrador  
N.S.: Nova Scotia  
N.W.T.: Northwest Territories  
NVT.: Nunavut  
ONT.: Ontario  
P.E.I.: Prince Edward Island  
QUE.: Quebec  
SASK.: Saskatchewan  
Y.T.: Yukon

**Total 25**

Justices Karakatsanis and Abella.
**Appeals Heard**

**Number of Appeals Heard by Origin**
From provinces, territories, or the federal level

ALTA.: Alberta
B.C.: British Columbia
F.C.A.: Federal Court of Appeal
MAN.: Manitoba
N.B.: New Brunswick
N.L.: Newfoundland and Labrador
N.S.: Nova Scotia
N.W.T.: Northwest Territories
ON: Ontario
PEI: Prince Edward Island
QUE: Quebec
SASK.: Saskatchewan
Y.T.: Yukon

**Appeals Heard by Main Area of Law**

- **Other** 10 (15%)
- **Municipal Law** 2 (3%)
- **Employment Law** 2 (3%)
- **Contracts** 2 (3%)
- **Civil Procedure** 2 (3%)
- **Family Law** 3 (4%)
- **Canadian Charter (Criminal)** 3 (4%)
- **Canadian Charter (Non-criminal)** 3 (4%)
- **Criminal Law** 27 (39%)
- **Constitutional Law** 10 (15%)
- **Torts** 5 (7%)
Notable Decisions

- **The Administrative Law Trilogy - Canada (Minister of Citizenship and Immigration) v. Vavilov and Bell Canada v. Canada (Attorney General) (two cases)**
  - The Supreme Court used a case about citizenship and two cases about Super Bowl ads to change how courts look at administrative (non-court) decisions, to make the law clearer and more predictable. See page 14 for more information about these very important decisions.

- **Frank v. Canada (Attorney General)**
  - A rule preventing citizens from voting in federal elections if they’ve been living outside Canada for more than five years was unconstitutional.

- **R. v. Stillman**
  - Military members charged with civilian crimes don’t have the right to be tried by a jury if they are tried in the military justice system.

- **R. v. Myers**
  - Judges have to make sure that people put in jail while they wait for trial really need to be there.

- **Canada (Public Safety and Emergency Preparedness) v. Chhina**
  - Everyone has a right to the strongest protections to make sure they aren’t held in custody against the law.

- **Kossoian v. Société de transport de Montréal**
  - Police weren’t allowed to arrest someone for not holding an escalator handrail.

- **Fleming v. Ontario**
  - Police can’t arrest someone who isn’t breaking the law to prevent others from breaching the peace.

- **Bessette v. British Columbia (Attorney General)**
  - Anyone charged with a provincial offence in British Columbia has the right to a trial in either English or French (just like for a criminal trial).

- **Orphan Well Association v. Grant Thornton Ltd.**
  - After going bankrupt, an oil and gas company has to fulfill provincial environmental obligations before paying anyone it owes money to.

  - These three cases dealt with how a complainant’s sexual history can be used in a criminal trial involving a sexual assault, and confirmed there can be a new trial if rules about this weren’t followed and it could have affected the result.

- **R. v. Jarvis**
  - Students doing normal activities at school don’t give up their privacy rights even though technology makes it easier to record them.

- **Keatley Surveying Ltd. v. Teranet Inc.**
  - Ontario has copyright in plans of survey filed in the province’s land registry.
### All Decisions

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<td>R. v. Kernaz</td>
<td>Saskatchewan</td>
<td>Oct. 18</td>
</tr>
<tr>
<td>R.S. v. P.R.</td>
<td>Quebec</td>
<td>Oct. 25</td>
</tr>
<tr>
<td>Threlfall v. Carleton University</td>
<td>Quebec</td>
<td>Oct. 31</td>
</tr>
<tr>
<td>R. v. Rafilovich</td>
<td>Ontario</td>
<td>Nov. 8</td>
</tr>
<tr>
<td>R. v. James</td>
<td>Ontario</td>
<td>Nov. 8</td>
</tr>
<tr>
<td>Volkswagen Group Canada Inc. v. Association québécoise de lutte contre la pollution atmosphérique</td>
<td>Quebec</td>
<td>Nov. 13</td>
</tr>
<tr>
<td>R. v. Javanmardi</td>
<td>Quebec</td>
<td>Nov. 14</td>
</tr>
<tr>
<td>R. v. K.J.M.</td>
<td>Alberta</td>
<td>Nov. 15</td>
</tr>
<tr>
<td>R. v. Shlah*</td>
<td>Alberta</td>
<td>Nov. 15</td>
</tr>
<tr>
<td>Montréal (Ville) v. Octane Stratégie inc.*</td>
<td>Quebec</td>
<td>Nov. 22</td>
</tr>
<tr>
<td>Desgagnés Transport Inc. v. Wärtsilä Canada Inc.</td>
<td>Quebec</td>
<td>Nov. 28</td>
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<tr>
<td>Kossoyan v. Société de transport de Montréal</td>
<td>Quebec</td>
<td>Nov. 29</td>
</tr>
<tr>
<td>Resolve FP Canada Inc. v. Ontario (Attorney General)</td>
<td>Ontario</td>
<td>Dec. 6</td>
</tr>
<tr>
<td>International Air Transport Association v. Instrubel, N.V.</td>
<td>Quebec</td>
<td>Dec. 11</td>
</tr>
<tr>
<td>Yared v. Karam</td>
<td>Quebec</td>
<td>Dec. 12</td>
</tr>
<tr>
<td>R. v. Collin</td>
<td>Quebec</td>
<td>Dec. 13</td>
</tr>
<tr>
<td>Canada (Minister of Citizenship and Immigration) v. Vavilov</td>
<td>Federal Court of Appeal</td>
<td>Dec. 19</td>
</tr>
<tr>
<td>Bell Canada v. Canada (Attorney General)*</td>
<td>Federal Court of Appeal</td>
<td>Dec. 19</td>
</tr>
<tr>
<td>Canada Post Corp. v. Canadian Union of Postal Workers</td>
<td>Federal Court of Appeal</td>
<td>Dec. 20</td>
</tr>
</tbody>
</table>

See Notable Decisions on page 26

*Some decisions cover more than one case.*
Definitions:

- **As of right** – an appeal where the Court’s permission isn’t needed (that is, the right is automatic).
- **By leave** – an appeal that needs Court permission to be heard.
- **Leave application / application for leave to appeal** – the documents filed to ask permission for an appeal to be heard.
- **Notice of appeal** – the documents filed to tell the Court a party will appeal (this will be the first document filed for an “as of right” appeal, and will be filed after an application for appeal by leave is granted).
- **Granted (leave application)** – when the Court gives permission for an appeal to go forward.
- **Dismissed (leave application)** – when the Court doesn’t give permission for an appeal to go forward.
- **Allowed (appeal)** – when the Court rules to overturn the lower-court decision.
- **Dismissed (appeal)** – when the Court rules not to change the lower-court decision.
- **Decision** – the final judgment that ends the appeal; it can be given orally (“from the bench”) or through written reasons (“reserved”). Once in a while, a decision from the bench will be followed by written reasons later.
- **On reserve** – appeals that haven’t been decided yet.
- **Reasons** – text where a judge (or sometimes more than one judge) explains how they arrived at a certain decision.
Breakdown of Cases Filed with the Court

Types of Cases

- Applications for leave to appeal
- Notices of appeal as of right

Outcomes of Leave Applications Referred for Decisions

- Dismissed
- Granted

Note:
Statistics don't include cases that were sent to a lower court, discontinued, quashed, adjourned, or where there was a request for more time that wasn't allowed.

*There are 9 leave applications from 2019 that have not yet been decided.
Note:

Appeals aren’t counted in these statistics if there was a rehearing or remand ordered, or they were discontinued after the hearing, or they were references under s. 53 of the Supreme Court Act. (There were no situations like this in 2019.)

*There were 22 appeals “on reserve” (that hadn’t yet been decided) on December 31, 2019.
Breakdown of Decisions

Outcomes of Appeals Decided

- **Allowed**
- **Dismissed**

<table>
<thead>
<tr>
<th>Year</th>
<th>Allowed</th>
<th>Dismissed</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>29 (42%)</td>
<td>40 (58%)</td>
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</tr>
<tr>
<td>2011</td>
<td>35 (50%)</td>
<td>35 (50%)</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>31 (37%)</td>
<td>52 (63%)</td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td>39 (50%)</td>
<td>52 (69%)</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>23 (31%)</td>
<td>52 (69%)</td>
<td></td>
</tr>
<tr>
<td>2015</td>
<td>35 (47%)</td>
<td>39 (53%)</td>
<td></td>
</tr>
<tr>
<td>2016</td>
<td>29 (51%)</td>
<td>28 (49%)</td>
<td></td>
</tr>
<tr>
<td>2017</td>
<td>39 (58%)</td>
<td>31 (48%)</td>
<td></td>
</tr>
<tr>
<td>2018</td>
<td>33 (52%)</td>
<td>33 (46%)</td>
<td></td>
</tr>
<tr>
<td>2019</td>
<td>39 (54%)</td>
<td>33 (46%)</td>
<td></td>
</tr>
</tbody>
</table>

**Note:**
The appeals to which the judgments relate may have been heard in a previous year. Opinions on reference under s. 53 of the Supreme Court Act are not included.

Delivery of Decision

- **From the bench (decision made right away)**
- **Reserved (written reasons delivered later)**

<table>
<thead>
<tr>
<th>Year</th>
<th>From the bench</th>
<th>Reserved</th>
<th>Percentage</th>
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</thead>
<tbody>
<tr>
<td>2010</td>
<td>4 (6%)</td>
<td>65 (94%)</td>
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</tr>
<tr>
<td>2011</td>
<td>8 (11%)</td>
<td>63 (89%)</td>
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<tr>
<td>2012</td>
<td>75 (90%)</td>
<td>12 (10%)</td>
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</tr>
<tr>
<td>2013</td>
<td>9 (12%)</td>
<td>69 (88%)</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>22 (29%)</td>
<td>16 (22%)</td>
<td></td>
</tr>
<tr>
<td>2015</td>
<td>55 (71%)</td>
<td>13 (23%)</td>
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<td>2016</td>
<td>58 (78%)</td>
<td>44 (22%)</td>
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<tr>
<td>2017</td>
<td>48 (72%)</td>
<td>48 (28%)</td>
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</tr>
<tr>
<td>2018</td>
<td>44 (69%)</td>
<td>44 (31%)</td>
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<tr>
<td>2019</td>
<td>47 (65%)</td>
<td>25 (35%)</td>
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Agreement on Decisions

Not Unanimous  Unanimous

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<tr>
<td>%</td>
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<td>18</td>
<td>23</td>
<td>25</td>
<td>16</td>
<td>22</td>
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<td></td>
<td>25%</td>
<td>25%</td>
<td>28%</td>
<td>32%</td>
<td>21%</td>
<td>30%</td>
<td>46%</td>
<td>52%</td>
<td>48%</td>
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<tr>
<td>%</td>
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<td>61</td>
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<td></td>
<td>75%</td>
<td>75%</td>
<td>72%</td>
<td>68%</td>
<td>79%</td>
<td>70%</td>
<td>67%</td>
<td>54%</td>
<td>48%</td>
<td>42%</td>
</tr>
</tbody>
</table>

Note:
This refers to whether all judges agree on the outcome (the practical effect for the parties involved), not on their reasons for that outcome. A “unanimous” judgment may therefore have more than one set of reasons.

Chief Justice Wagner and Justices Karakatsanis and Abella in the Judges’ Conference Room before a hearing.
### Timing

#### Number of Hearing Days

<table>
<thead>
<tr>
<th></th>
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<tbody>
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<td>65</td>
<td>63</td>
<td>50</td>
<td>53</td>
<td>60</td>
<td>59</td>
<td>58</td>
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</tbody>
</table>

#### Average Time of Process Leading to Judgment (in Months)

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<td>4.4</td>
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<td>8.2</td>
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<td>6.7</td>
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<td>Days</td>
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<td>6.2</td>
<td>6.3</td>
<td>6.2</td>
<td>4.1</td>
<td>5.8</td>
<td>7.5</td>
<td>4.6</td>
<td>4.8</td>
<td>5.3</td>
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<td>17.2</td>
<td>16.3</td>
<td>15.8</td>
<td>17.0</td>
<td>15.8</td>
</tr>
</tbody>
</table>

*Average* | 4.0  | 7.7  | 5.6  | 17.3 |

- **Green**: Between filing and decision on application for leave to appeal
- **Red**: Between granting of leave (or filing of notice of appeal as of right) and hearing
- **Blue**: Between hearing and judgment