

# 2019

## Year in Review



**Supreme Court of Canada**  
**Cour suprême du Canada**



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This was the very first photo ever taken of the current judges together. It was taken in the library of the Winnipeg Law Courts on September 23, 2019.

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Front cover: Grand Hall, Supreme Court of Canada

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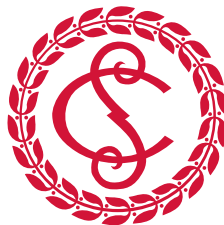
Page 16: Senate of Canada

Page 17 - left side, top: Supreme Court of the United Kingdom

Page 17 - left side, bottom: Embassy of Canada to Japan

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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.**

# A Message from the Chief Justice

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





The official photo of the judges of the Supreme Court of Canada, November 2019.

2019 by the Numbers	1
The Judges of the Supreme Court of Canada	4
Canada's Highest Court	6
Accord to Strengthen the Independence of the Supreme Court of Canada	7
#SCCinWinnipeg	8
A New Administrative Law Framework	14
A Court for all Canadians	16
Caseload	22
Decisions	26
Ten-Year Trends	30



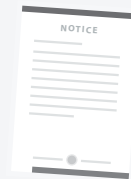
# 2019 by the Numbers



In 2019, the Supreme Court of Canada...



received **517**  
applications for leave  
(permission) to appeal



received **25**  
notices of appeal as of right  
(not needing permission)

granted **36**  
applications for leave



heard **69** appeals

heard from  
**148** main parties



and  
**241** interveners



issued **67** decisions  
(deciding 72 cases)









# The Judges of the Supreme Court of Canada

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.



### Chief Justice Richard Wagner

Born: 1957 (Montreal, QC)

Appointed: 2012 (Quebec)

Appointed as Chief Justice: 2017

Law school: University of Ottawa

Years on the bench\*: 14



### Justice Rosalie Silberman Abella

Born: 1946 (displaced persons camp in Stuttgart, Germany)

Appointed: 2004 (Ontario)

Law school: University of Toronto

Years on the bench\*: 44



### Justice Michael J. Moldaver

Born: 1947 (Peterborough, ON)

Appointed: 2011 (Ontario)

Law school: University of Toronto

Years on the bench\*: 30



### Justice Andromache Karakatsanis

Born: 1955 (Toronto, ON)

Appointed: 2011 (Ontario)

Law school: Osgoode Hall

Years on the bench\*: 18



### Justice Suzanne Côté

Born: 1958 (Cloridorme/Gaspé Peninsula, QC)

Appointed: 2014 (Quebec)

Law school: Laval University

Years on the bench\*: 5





**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.

# Canada's Highest Court

## 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).

The judges in the Judges' Conference Room, where deliberations take place.





# Accord to Strengthen the Independence of the Supreme Court of Canada

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**.

Ivstitia (Justice) with the Peace Tower in the background.



JULY 24, 2019 - LAW TIMES

## Chief justice, justice minister, sign accord to strengthen Supreme Court

Richard Wagner, Chief Justice of Canada, and David Lametti, Minister of Justice and Attorney General of Canada, have signed an accord to recognize and reinforce the independence of the Supreme Court of Canada.

22 JUILLET 2019 - JOURNAL DE MONTRÉAL

## Une entente conclue pour renforcer l'indépendance de la Cour suprême du Canada

Le gouvernement et le juge en chef du Canada précisent très clairement qu'une société juste et démocratique exige, en soi, un engagement solide envers l'indépendance judiciaire et le respect de la primauté du droit, a souligné le ministre de la justice, David Lametti.

SEPTEMBER 1, 2019 - THE GLOBE AND MAIL

## Supreme Court has ensured independence by obtaining financial security, says Chief Justice Richard Wagner

Supreme Court Chief Justice Richard Wagner says the top court has obtained financial security that ensures its independence, under a new agreement that requires the Justice Minister to pass through its budget requests – “without alteration” – to the Finance Minister.

# #SCCinWinnipeg

## 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**.







September 22, 2019  
Calgary Flames @ Winnipeg Jets  
Bell MTS Place



1.



2.



3.



4.







**1.** Hundreds of people lined up outside the Winnipeg Law Courts to sit in on the Court's first hearing outside of Ottawa on September 25, 2019. **2.** Hearing on September 26, 2019. **3.** Chief Justice Wagner gives a press conference in the courtroom at the Winnipeg Law Courts on September 23, 2019. **4., 5. and 6.** Justices Abella, Kasirer, and Martin speaking with members of the public at a Meet the Judges event at the Canadian Human Rights Museum on September 25, 2019.





7.



12.



13.



14.



12





**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.





# A New Administrative Law Framework

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.

The judges in the courtroom during a hearing.



Justices Côté and Moldaver.







Justices Moldaver, Gascon, and Brown preparing for a hearing in the Judges' Conference Room.

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](#).

22 NOVEMBRE 2019 - CBA/ABC NATIONAL

### Revoir la norme de contrôle

Situation peut-être typiquement canadienne, l'une des questions les plus litigieuses que doit trancher la Cour suprême est celle de la norme de contrôle judiciaire devant s'appliquer aux affaires de droit administratif.

DECEMBER 19, 2019 - THE LAWYER'S DAILY

### SCC rewrites standard of review framework for administrative law in landmark trilogy

In a bid to enhance clarity, predictability and access to justice in a muddled area of law that impacts many Canadians, seven of nine judges of the Supreme Court of Canada have collaborated to devise a new standard of review framework which emphasizes that courts should presumptively exercise deference when overseeing administrative decision makers, while also retaining “limited” scope for correctness review.

DECEMBER 19, 2019 - CANADIAN LAWYER

### SCC overhauls administrative law, clarifies standard of review

The Supreme Court of Canada has established a new framework for standard of review in administrative law cases: the presumption of reasonableness, with two categories in which the presumption can be rebutted.

## 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.

# A Court for all Canadians

## 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**



## ... and in the World

**May 2**

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 28-30**

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)

**June 17**

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



**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**

Chief Justice Wagner in Winnipeg, Manitoba.

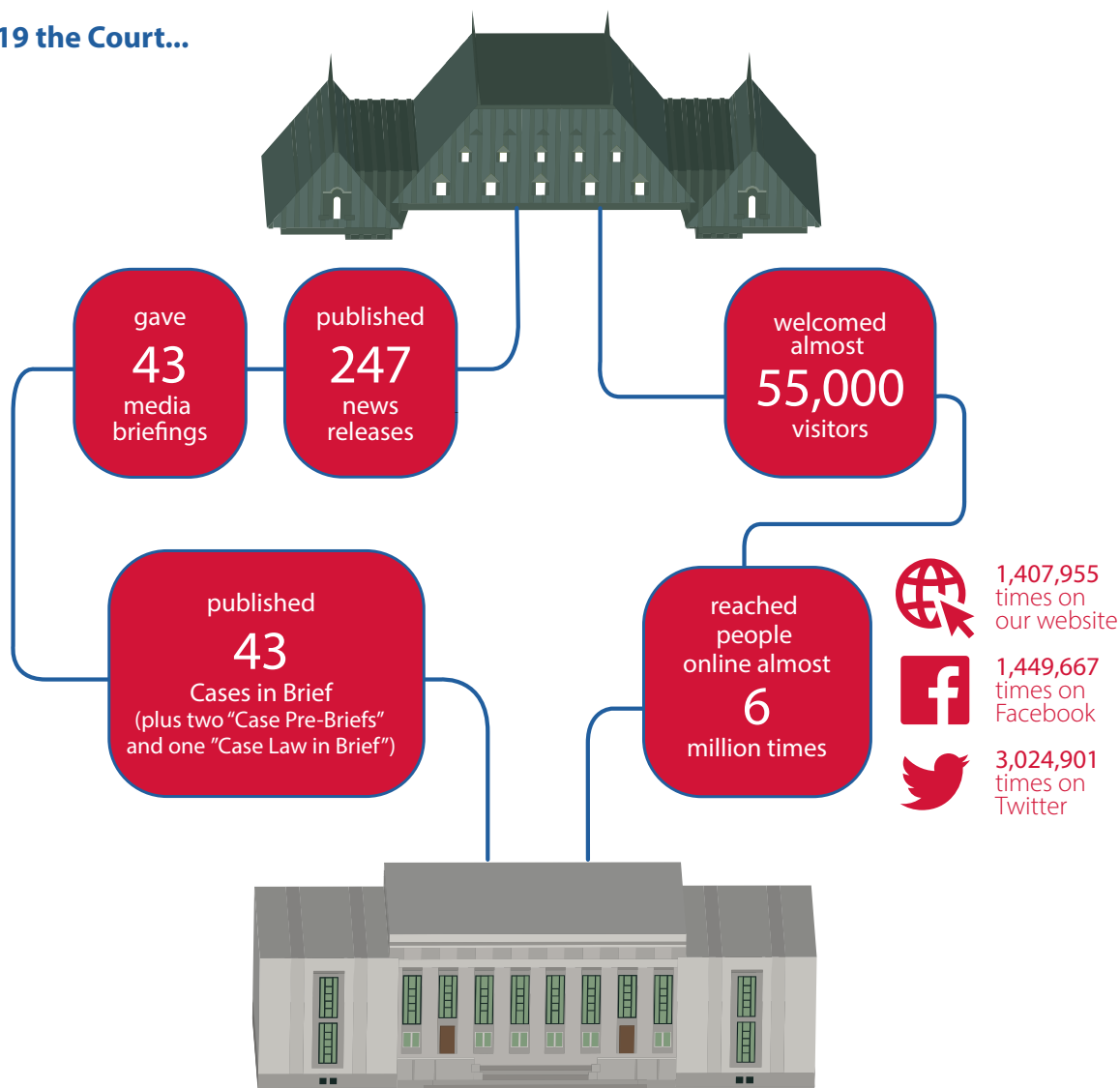




## Communications and Outreach

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...



## 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)









# Caseload

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.)

Chief Justice Wagner and Justice Karakatsanis arrive in the Judges’ Conference Room.



Justices Côté and Rowe in conversation in the Judges’ Conference Room.



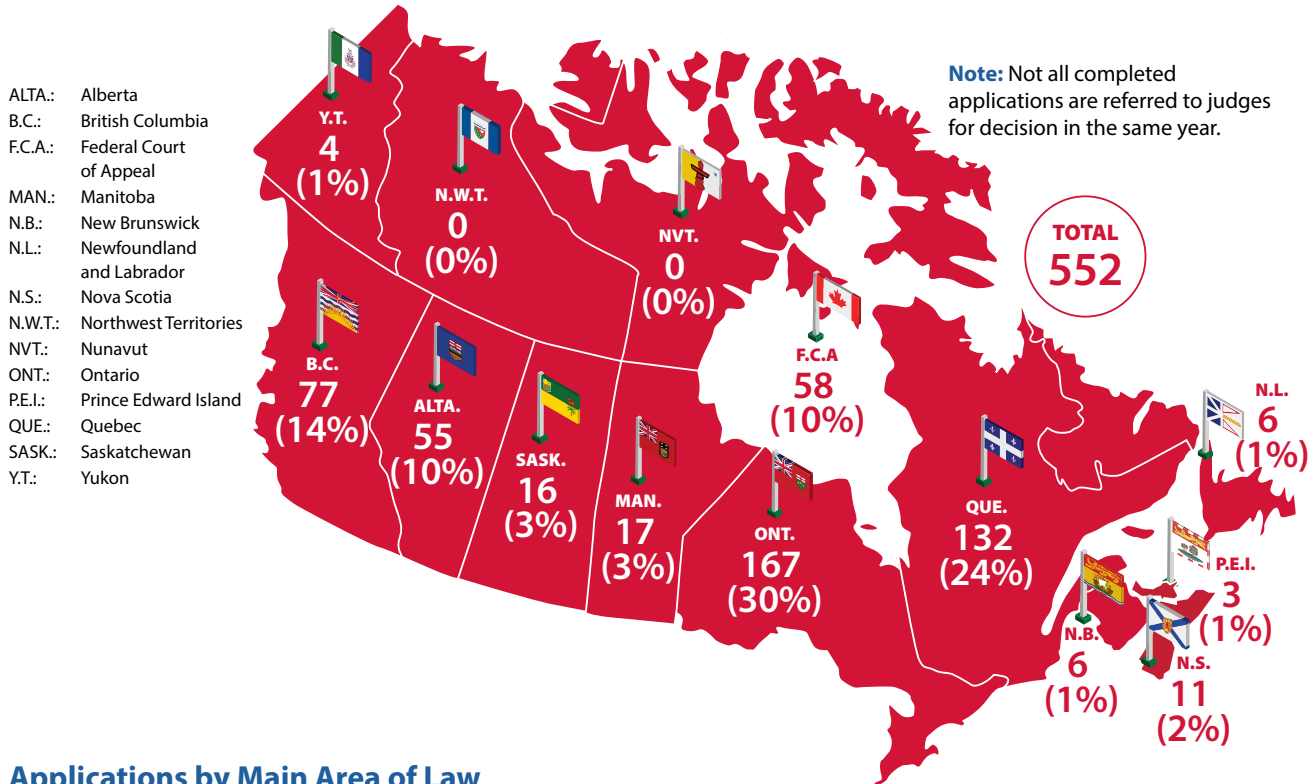
Justices Martin and Brown preparing for a hearing in the Judges’ Conference Room.



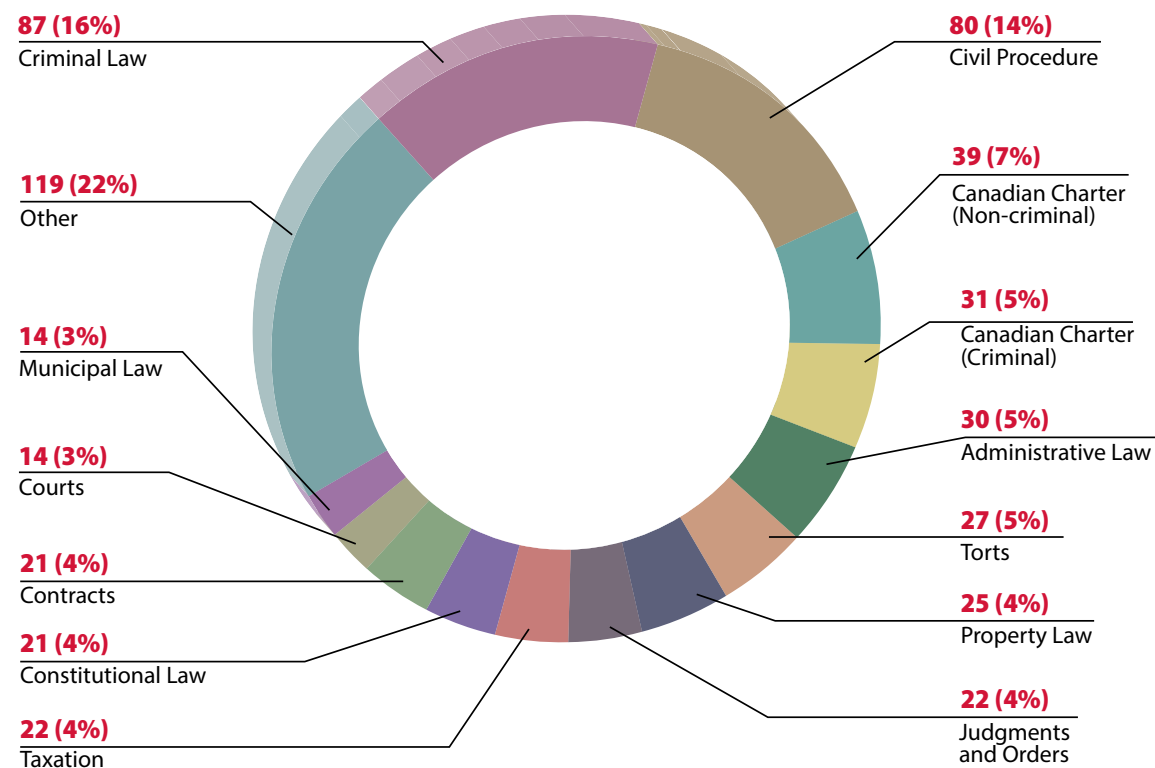
# Applications for Leave Referred for Decision

## Number of Applications by Origin

From provinces, territories, or the federal level



## Applications by Main Area of Law

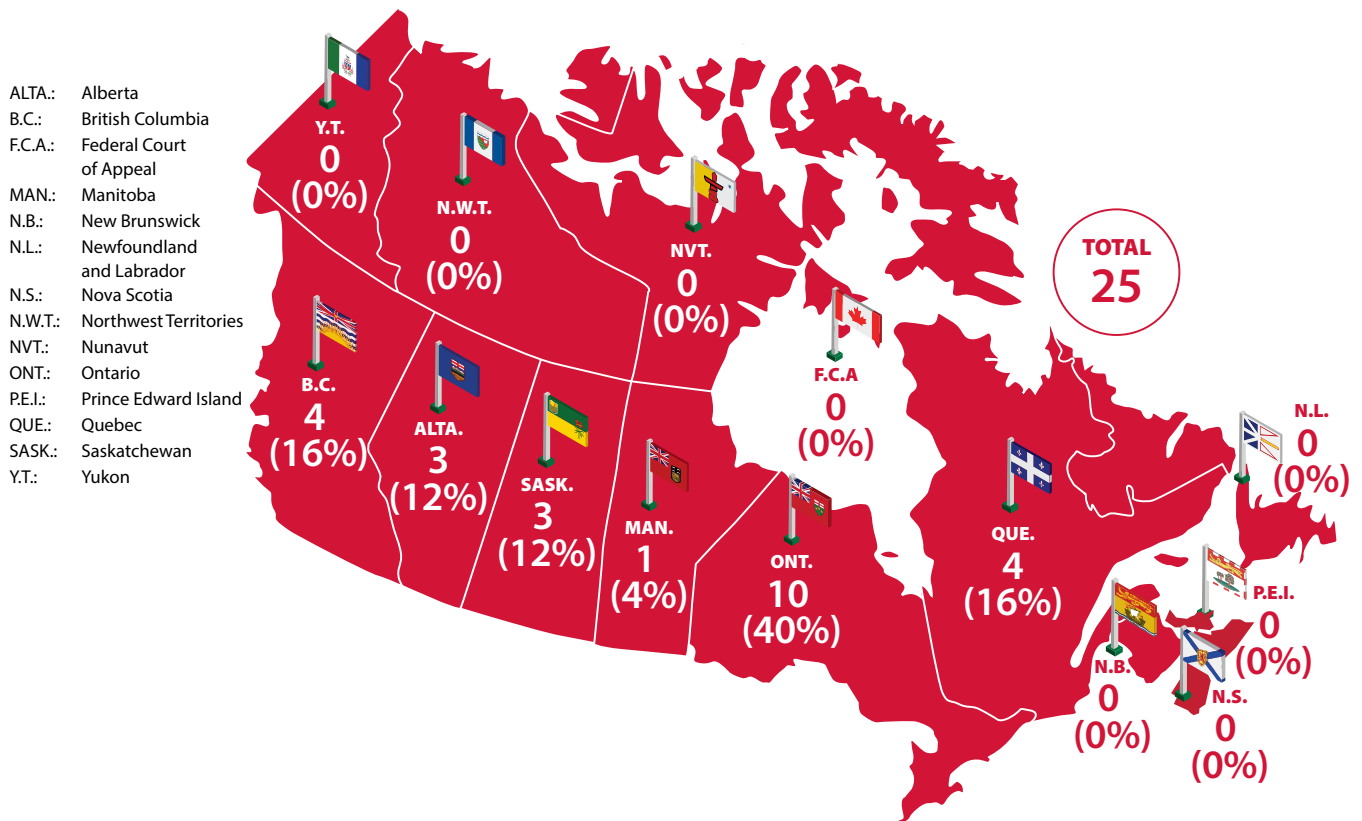


## Appeals as of Right

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



Justices Karakatsanis and Abella.

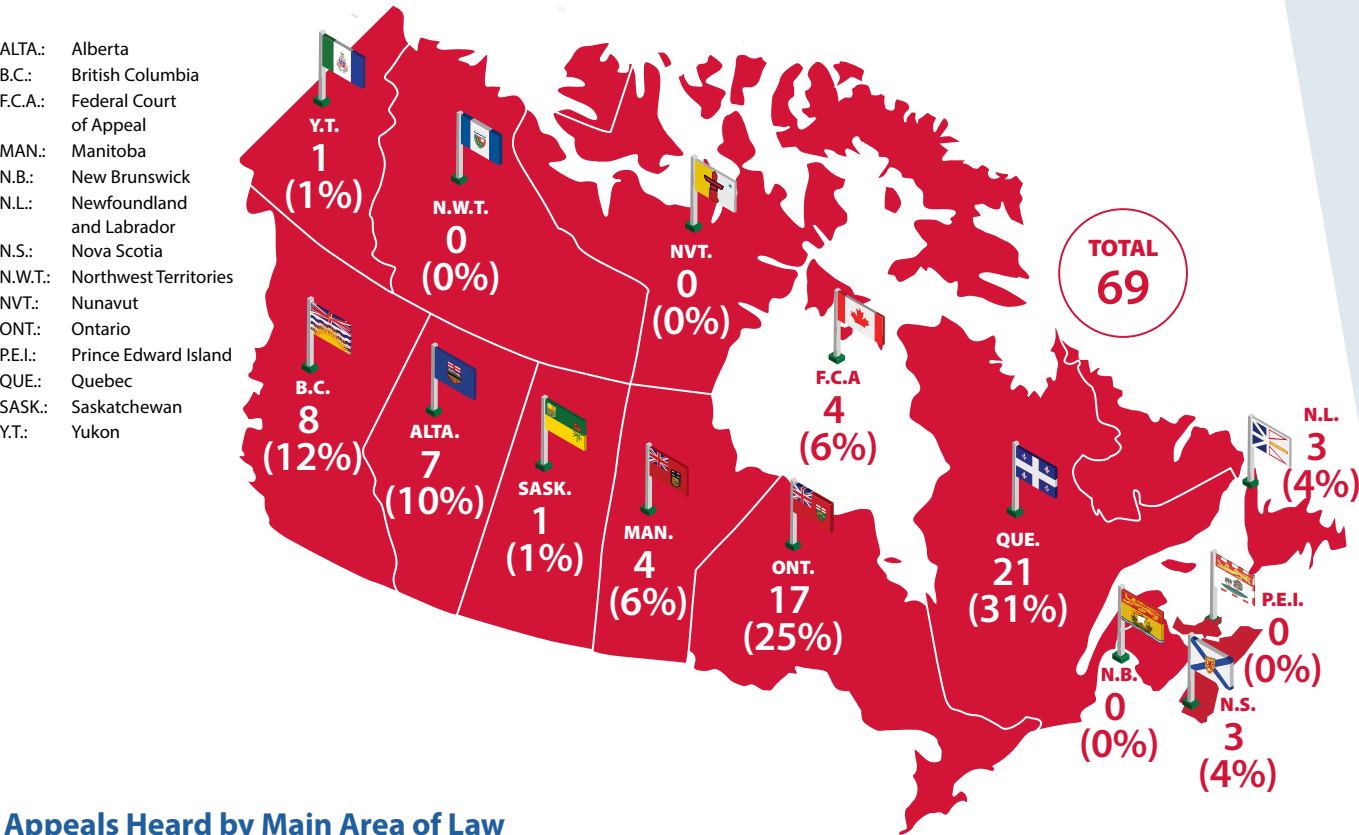




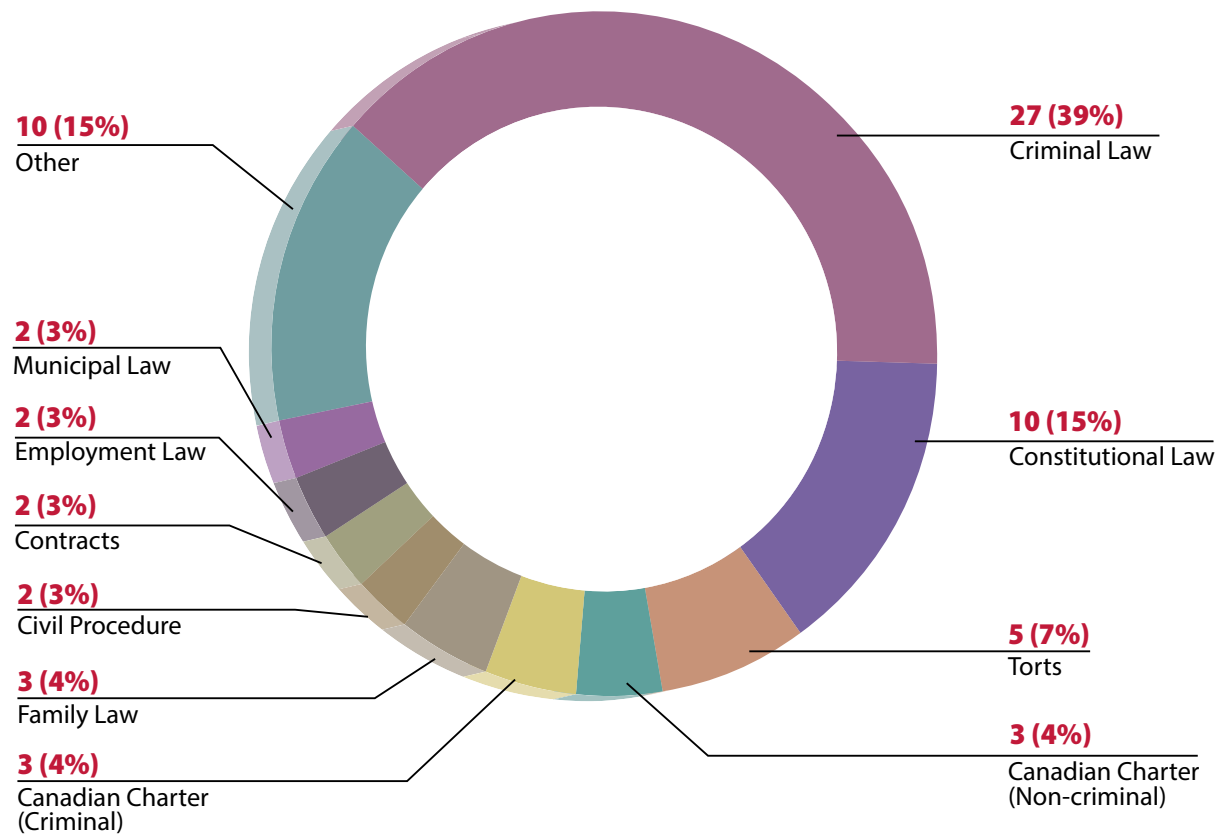
# Appeals Heard

## Number of Appeals Heard by Origin

From provinces, territories, or the federal level



## Appeals Heard by Main Area of Law



# Decisions

## 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.
- **Kosoian 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.
- **R. v. Barton, R. v. Goldfinch, and R. v. R.V.**
  - 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

	Case Name	Origin	Decision Date
1	Frank v. Canada (Attorney General)	Ontario	Jan. 11
2	R. v. Beaudry (Motion)	Court Martial Appeal Court	Jan. 14
3	R. v. Feddyck	Manitoba	Jan. 15
4	S.A. v. Metro Vancouver Housing Corp.	British Columbia	Jan. 25
5	Orphan Well Association v. Grant Thornton Ltd.	Alberta	Jan. 31
6	R. v. Calnen	Nova Scotia	Feb. 1
7	R. v. Bird	Saskatchewan	Feb. 8
8	R. v. C.J.	Manitoba	Feb. 12
9	R. v. Blanchard	Quebec	Feb. 13
10	R. v. Jarvis	Ontario	Feb. 14
11	R. v. Demedeiros	Alberta	Feb. 14
12	R. v. George-Nurse	Ontario	Feb. 15
13	Barer v. Knight Brothers LLC	Quebec	Feb. 22
14	Salomon v. Matte-Thompson	Quebec	Feb. 28
15	R. v. Morrison	Ontario	Mar. 15
16	R. v. Snelgrove	Newfoundland and Labrador	Mar. 22
17	R. v. Kelsie	Nova Scotia	Mar. 27
18	R. v. Myers	British Columbia	Mar. 28
19	TELUS Communications Inc. v. Wellman	Ontario	Apr. 4
20	J.W. v. Canada (Attorney General)	Manitoba	Apr. 12
21	R. v. Thanabalasingham	Quebec	Apr. 17
22	R. v. Mills	Newfoundland and Labrador	Apr. 18
23	R. v. D'Amico (Motion)	Quebec	Apr. 11
24	R. v. J.M.	Ontario	Apr. 18
25	R. v. Larue	Yukon	Apr. 23
26	R. v. Wakefield	Alberta	Apr. 25
27	R. v. W.L.S.	Alberta	Apr. 26
28	Modern Cleaning Concept Inc. v. Comité paritaire de l'entretien d'édifices publics de la région de Québec	Quebec	May 3
29	Canada (Public Safety and Emergency Preparedness) v. Chhina	Alberta	May 10
30	Christine DeJong Medicine Professional Corp. v. DBDC Spadina Ltd.	Ontario	May 14
31	Bessette v. British Columbia (Attorney General)	British Columbia	May 16
32	R. v. Omar	Ontario	May 22
33	R. v. Barton	Alberta	May 24
34	R. v. Le	Ontario	May 31
35	L'Oratoire Saint-Joseph du Mont-Royal v. J.J.	Quebec	June 7
36	Ontario (Attorney General) v. G. (Motion)	Ontario	June 14

	Case Name	Origin	Decision Date
37	1068754 Alberta Ltd. v. Québec (Agence du revenu)	Quebec	June 27
38	R. v. Goldfinch	Alberta	June 28
39	R. v. Penunsi	Newfoundland and Labrador	July 5
40	R. v. Stillman*	Court Martial Appeal Court	July 26
41	R. v. R.V.	Ontario	July 31
42	Pioneer Corp. v. Godfrey*	British Columbia	Sept. 20
43	Keatley Surveying Ltd. v. Teranet Inc.	Ontario	Sept. 26
44	Denis v. Côté	Quebec	Sept. 27
45	Fleming v. Ontario	Ontario	Oct. 4
46	R. v. M.R.H.	British Columbia	Oct. 9
47	R. v. Poulin	Quebec	Oct. 11
48	R. v. Kernaz	Saskatchewan	Oct. 18
49	R.S. v. P.R.	Quebec	Oct. 25
50	Threlfall v. Carleton University	Quebec	Oct. 31
51	R. v. Rafilovich	Ontario	Nov. 8
52	R. v. James	Ontario	Nov. 8
53	Volkswagen Group Canada Inc. v. Association québécoise de lutte contre la pollution atmosphérique	Quebec	Nov. 13
54	R. v. Javanmardi	Quebec	Nov. 14
55	R. v. K.J.M.	Alberta	Nov. 15
56	R. v. Shlah*	Alberta	Nov. 15
57	Montréal (Ville) v. Octane Stratégie inc.*	Quebec	Nov. 22
58	Desgagnés Transport Inc. v. Wärtsilä Canada Inc.	Quebec	Nov. 28
59	Kosoian v. Société de transport de Montréal	Quebec	Nov. 29
60	Resolute FP Canada Inc. v. Ontario (Attorney General)	Ontario	Dec. 6
61	International Air Transport Association v. Instrubel, N.V.	Quebec	Dec. 11
62	Yared v. Karam	Quebec	Dec. 12
63	Canada (Attorney General) v. British Columbia Investment Management Corp.	British Columbia	Dec. 13
64	R. v. Collin	Quebec	Dec. 13
65	Canada (Minister of Citizenship and Immigration) v. Vavilov	Federal Court of Appeal	Dec. 19
66	Bell Canada v. Canada (Attorney General)*	Federal Court of Appeal	Dec. 19
67	Canada Post Corp. v. Canadian Union of Postal Workers	Federal Court of Appeal	Dec. 20

See Notable Decisions on page 26

\*Some decisions cover more than one case.









# Ten-Year Trends

The following pages show statistics and trends over the past decade.

## 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.

Chief Justice Wagner and Justice Moldaver in the Courtroom.



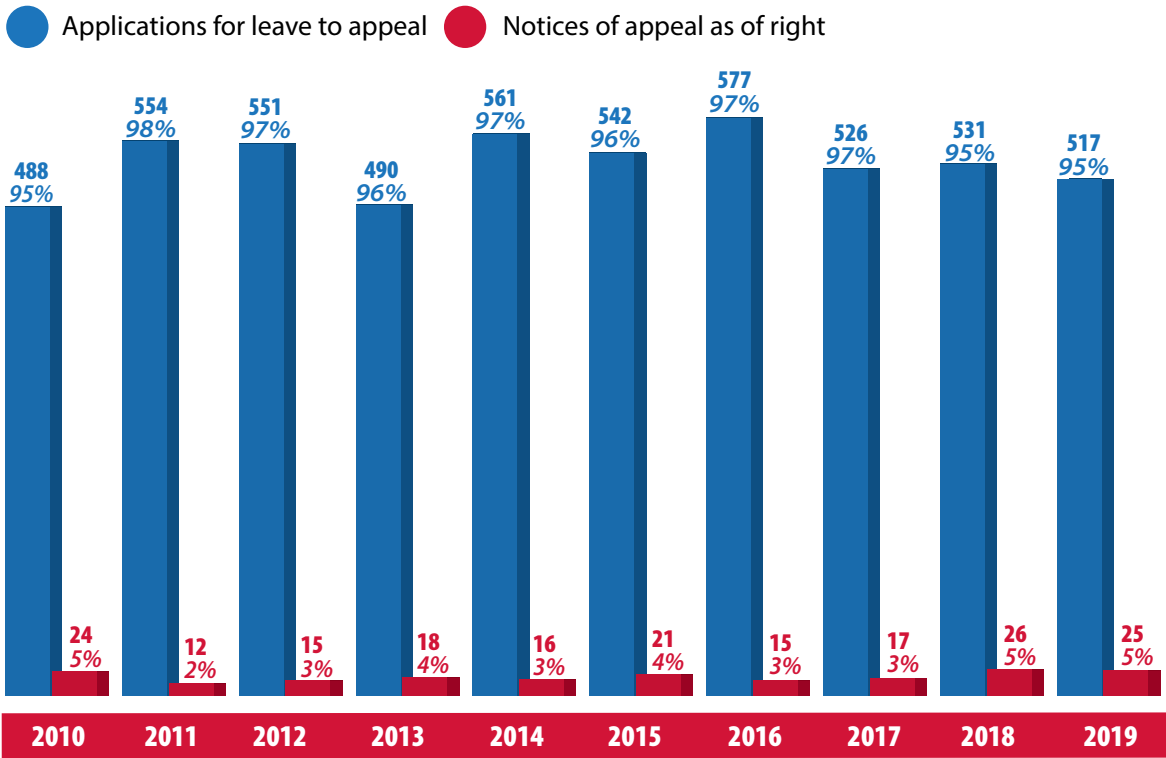
Justices Brown and Rowe.



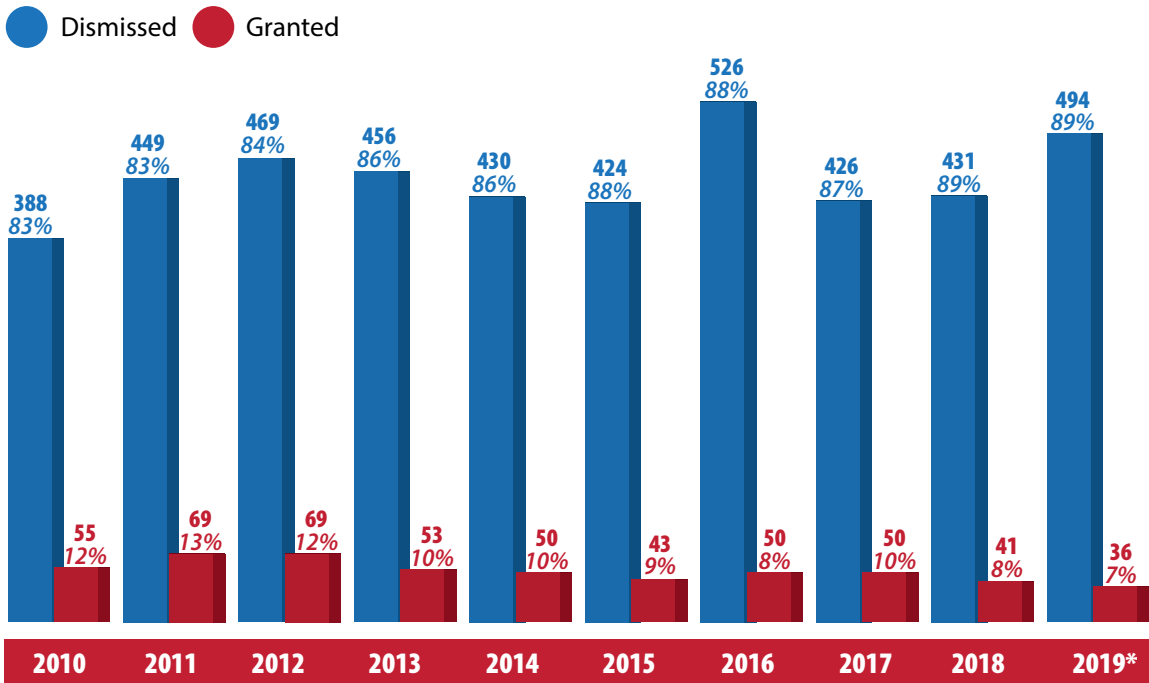


# Breakdown of Cases Filed with the Court

## Types of Cases



## Outcomes of Leave Applications Referred for Decisions



**Note:**

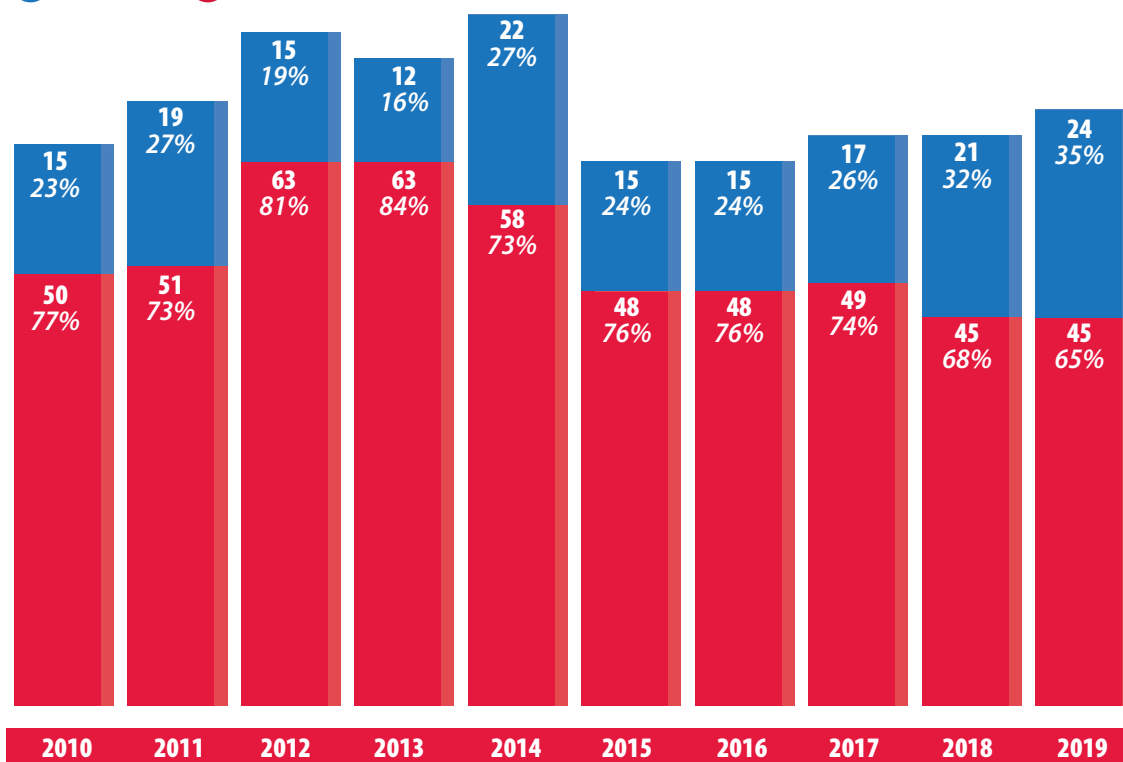
Statistics don't include cases that were sent to a lower court, discontinued, quashed, adjourned, or where there was a request for more time that wasn't allowed.

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

# Breakdown of Appeals Heard

## Types of Appeals

As of Right By Leave



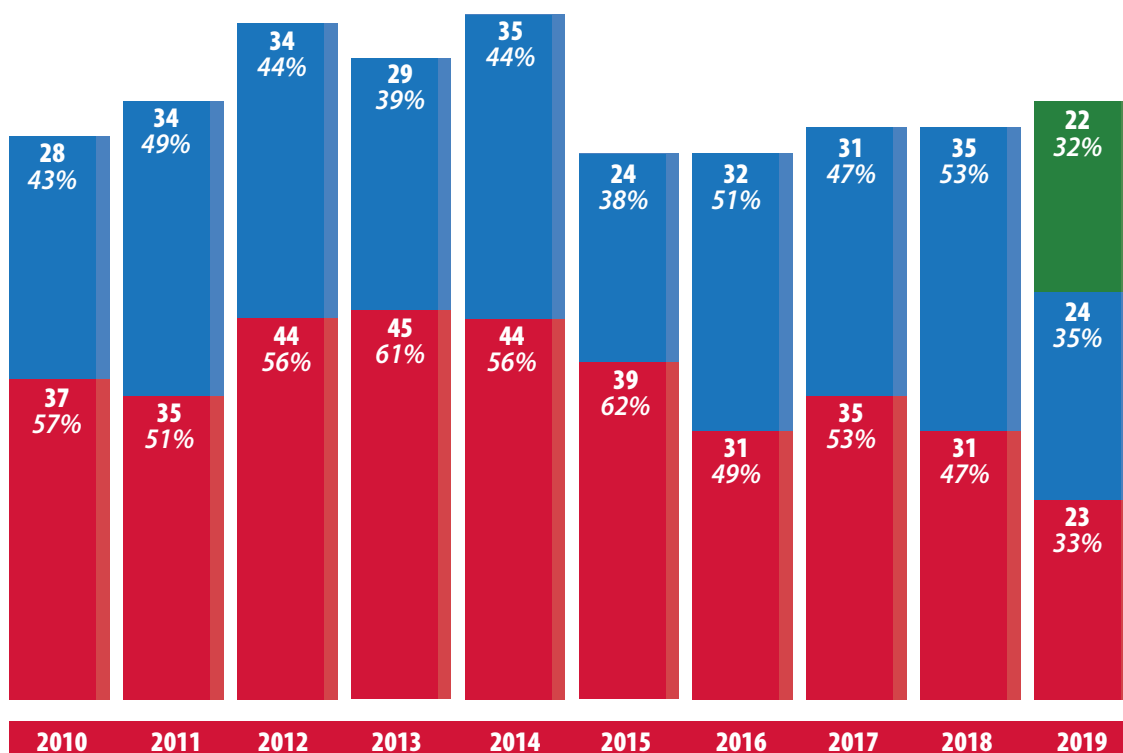
### Note:

Not all appeals heard in one year were decided in that year. Some cases were decided in the calendar year after the hearing (for example, most appeals heard in the fall of one year are decided in the winter or spring of the following year). This means statistics about appeals heard and appeals decided are slightly different.

Appeals with issues in common may be decided in a single written judgment, even if the Court hears them separately.

## Outcomes of Appeals Heard

Allowed Dismissed On Reserve



### 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.

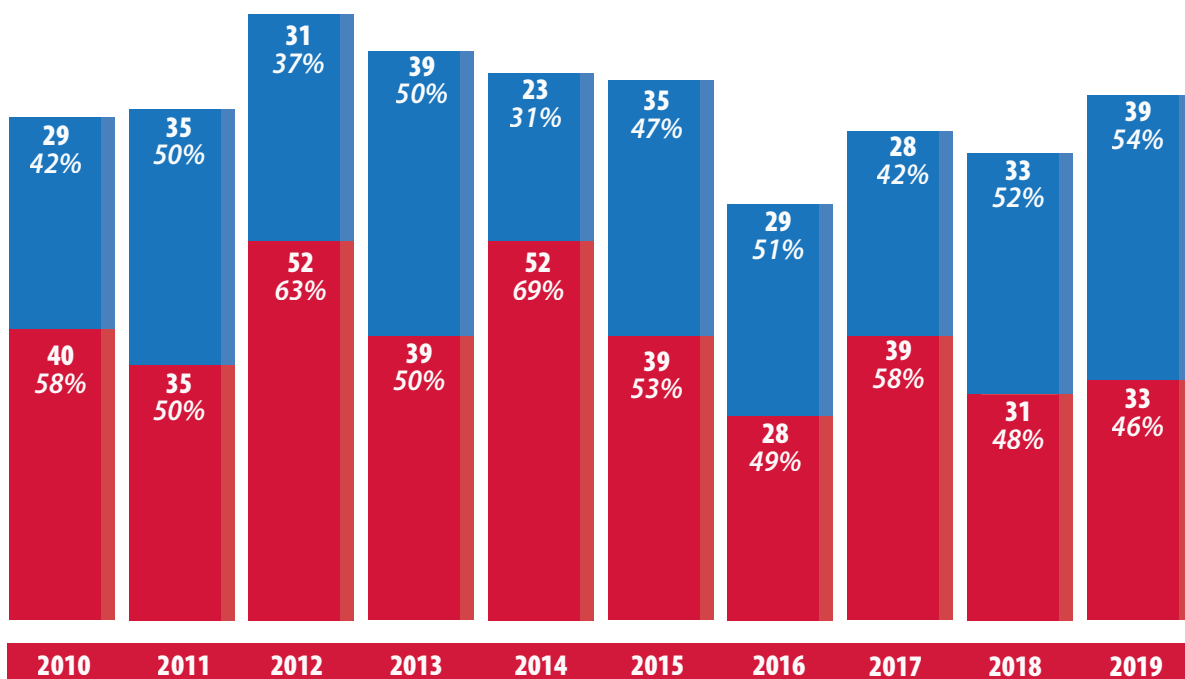




# Breakdown of Decisions

## Outcomes of Appeals Decided

Allowed Dismissed

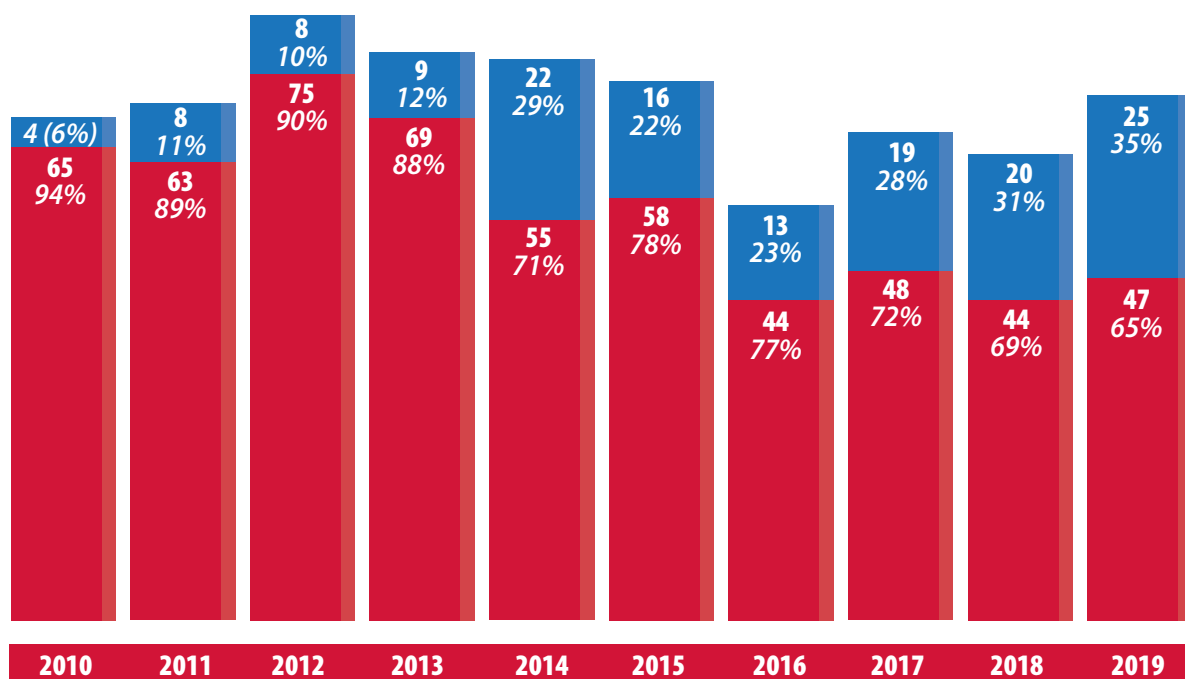


### Note:

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

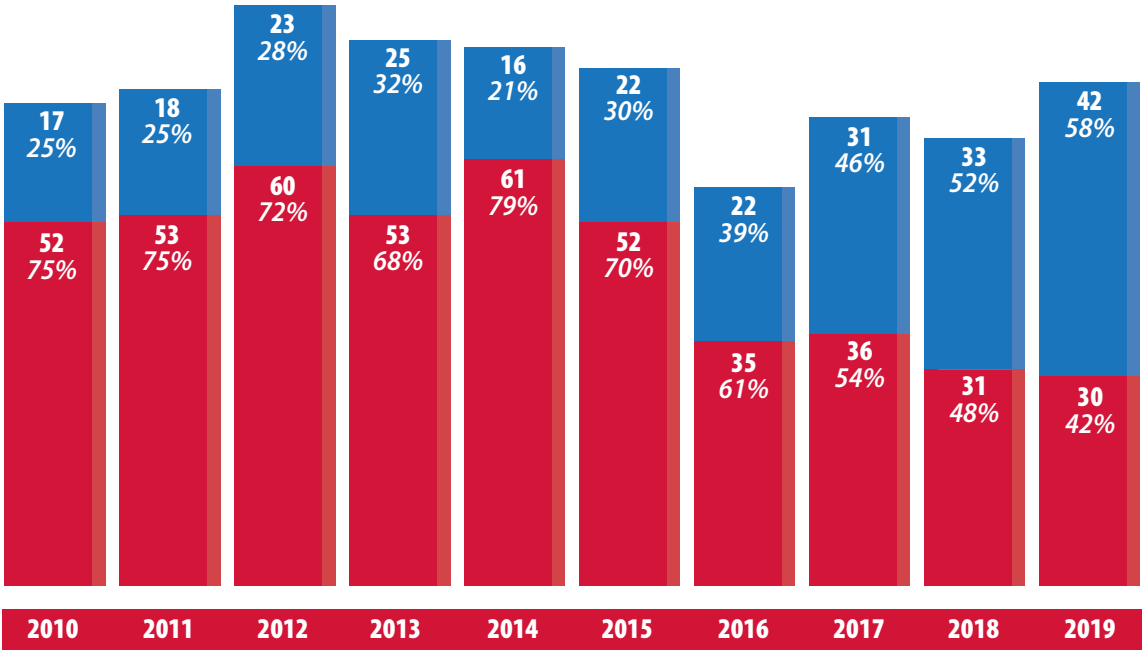
From the bench (decision made right away) Reserved (written reasons delivered later)





# Agreement on Decisions

● Not Unanimous   ● Unanimous



## Note:

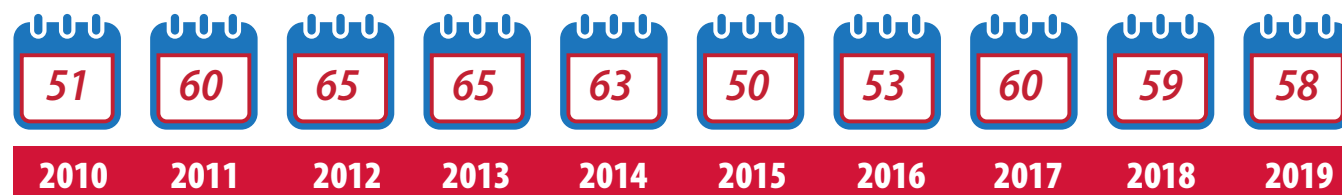
This refers to whether all judges agree on the outcome (the practical effect for the parties involved), not on their reasons for that outcome. A “unanimous” judgment may therefore have more than one set of reasons.

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

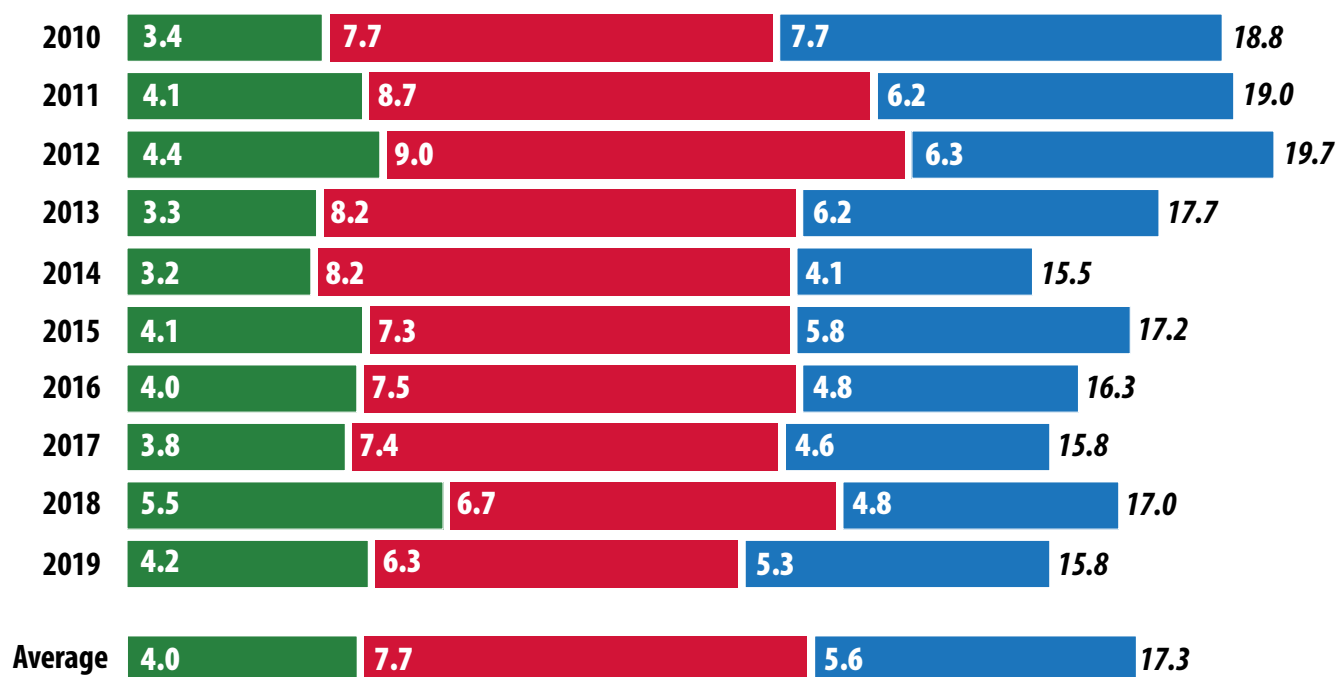


# Timing

## Number of Hearing Days



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



Between filing and decision on application for leave to appeal
  Between granting of leave (or filing of notice of appeal as of right) and hearing
  Between hearing and judgment



