



2020

Year in Review



Supreme Court of Canada
Cour suprême du Canada

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Current bench of the Supreme Court of Canada

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Page 28: Justices Brown, Abella et Kasirer –

Justice Andromache Karakatsanis



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.

The emblem represents the Court's key values of justice, independence, integrity, transparency and bilingualism.

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Message from the Chief Justice

Along with millions of Canadians in 2020, the Supreme Court of Canada found innovative ways to pivot, adapt and persevere through a global pandemic. Our dedicated employees introduced new technologies, streamlined processes and implemented protocols in collaboration with public health authorities to ensure everyone's safety and health while serving Canadians. I am proud of the Court's agility and commitment to maintain access to justice throughout a devastating public health crisis.

Yet long before COVID-19, Canada's courts were plagued with deficiencies such as backlogs and delays. They required resources and upgrades. Courts were slow to adopt modern methods and tools for working. The pandemic gave all parties no choice but to confront these realities. In 2019, the Supreme Court of Canada celebrated holding hearings outside Ottawa for the first time. In 2020, we marked the unexpected milestone of holding hearings online.

Courts are a pillar of Canada's democracy and an essential service. In that vein, I worked with the Minister of Justice to establish an Action Committee on Court Operations in response to COVID-19. It provides national guidance to all provinces and territories on how to restore the full operation of Canada's courts while keeping staff and court users safe.

Many Canadians decided to get back to basics in 2020. People started baking bread, riding a bike or camping. As for me, I adopted a host of new technologies at the Court, including online meeting tools that helped me stay in regular touch with my grandchildren. I also spent a great deal of time considering the state of Canada's constitutional basics – a stable democracy and justice system. They remain robust because Canada has strong institutions and a constitutional foundation that enshrines judicial independence as a core principle. I feel this is something we should all be proud of, and never take for granted.

While our historic building remained physically closed to the public for most of the year, we continued to welcome Canadians through our live webcasts, remote tours, website and social media accounts. Your Supreme Court of Canada will continue to find creative new ways to remain open and accessible to you in 2021 and beyond.

Sincerely,



Rt. Hon. Richard Wagner, P.C.
Chief Justice of Canada



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Chief Justice Richard Wagner

Springtime at the Supreme Court of Canada





Delivering Access to Justice in a Global Pandemic

Access to justice is not just a fundamental right; it is a basic human need crucial to our democracy and rule of law.

No one anticipated the **global pandemic** and the effect it would have on courts across Canada, including our own. In March 2020, courts across Canada had to suspend or reduce operations to comply with physical distancing, and other health and safety requirements.

Many courts allowed only **urgent matters** to proceed through **remote hearings**, while they worked on plans to deal with other matters. The Supreme Court postponed some spring hearings in order to modify the courtroom according to the specifications of local public health authorities. Across Canada, people and businesses had to wait longer for their day in court.

Despite this unprecedented public health emergency, judges and staff at the Court took care to implement new processes, protocols and technologies to hear cases and **deliver justice** to Canadians. Judges continued to issue judgments on appeals and leave applications. Cases continued to move forward through the use of electronic case files. While the Court long had the ability to use videoconferencing during hearings on an exceptional basis, using new technology became routine in 2020.

Chief Justice Wagner in his office preparing for the Court's first virtual hearing





Justice Abella in the courtroom during a hybrid hearing



Justice Rowe in his office during the Court's first virtual hearing

In June, the Court used Zoom to hold three virtual appeal hearings, and one hearing on an application for leave to appeal. The Court again leveraged technology to provide simultaneous translation and uphold its duty to deliver justice in both of Canada's **official languages**. The Court also welcomed some members of the public into these virtual hearings, while continuing its practice of webcasting hearings live on its website.

In September, the Court held a special session to hear appeals that had been postponed in the spring. In collaboration with local public health authorities, the Court heard arguments in a modified courtroom. The bench was extended to the floor to ensure physical distancing, and clear barriers were installed between judges and at a few other places in the courtroom. With the judges present in the courtroom, some lawyers appeared in person while others appeared by video.

The pandemic brought home the fact that our courts must be **agile and resilient**. This was done, and continues to be done, in a way that is mindful of the commitments our justice system makes to citizens – including transparency, procedural fairness, accessibility, independence, and quality.

Improving Access to Justice and Judicial Information

The Supreme Court of Canada is always looking for **new and better ways** to communicate with people. This became even more important during the pandemic, when we were no longer able to welcome the public for guided tours or hearings.

In 2018, we began publishing **Cases in Brief**, plain-language summaries of written decisions meant to be understood by the general public. We have continued to refine and improve these summaries to help all Canadians understand the law and how it may affect them in their daily lives.

What you are reading is the Court's third edition of our **Year in Review**. This is yet another way we aim to make the Court more accessible to the public in an engaging way.

Among the ways Supreme Court judges contribute to improving access to justice and judicial information is through speeches and lectures across Canada and internationally. These activities were limited in 2020 due to the pandemic, yet the judges continued to deliver speeches and engage with Canadians virtually. The Chief Justice also spoke to journalists and responded to their questions at his **annual news conference**.

Justice Moldaver in his office



Chief Justice Wagner at his annual news conference



Cases in Brief: The Court's Plain-Language Judgment Summaries

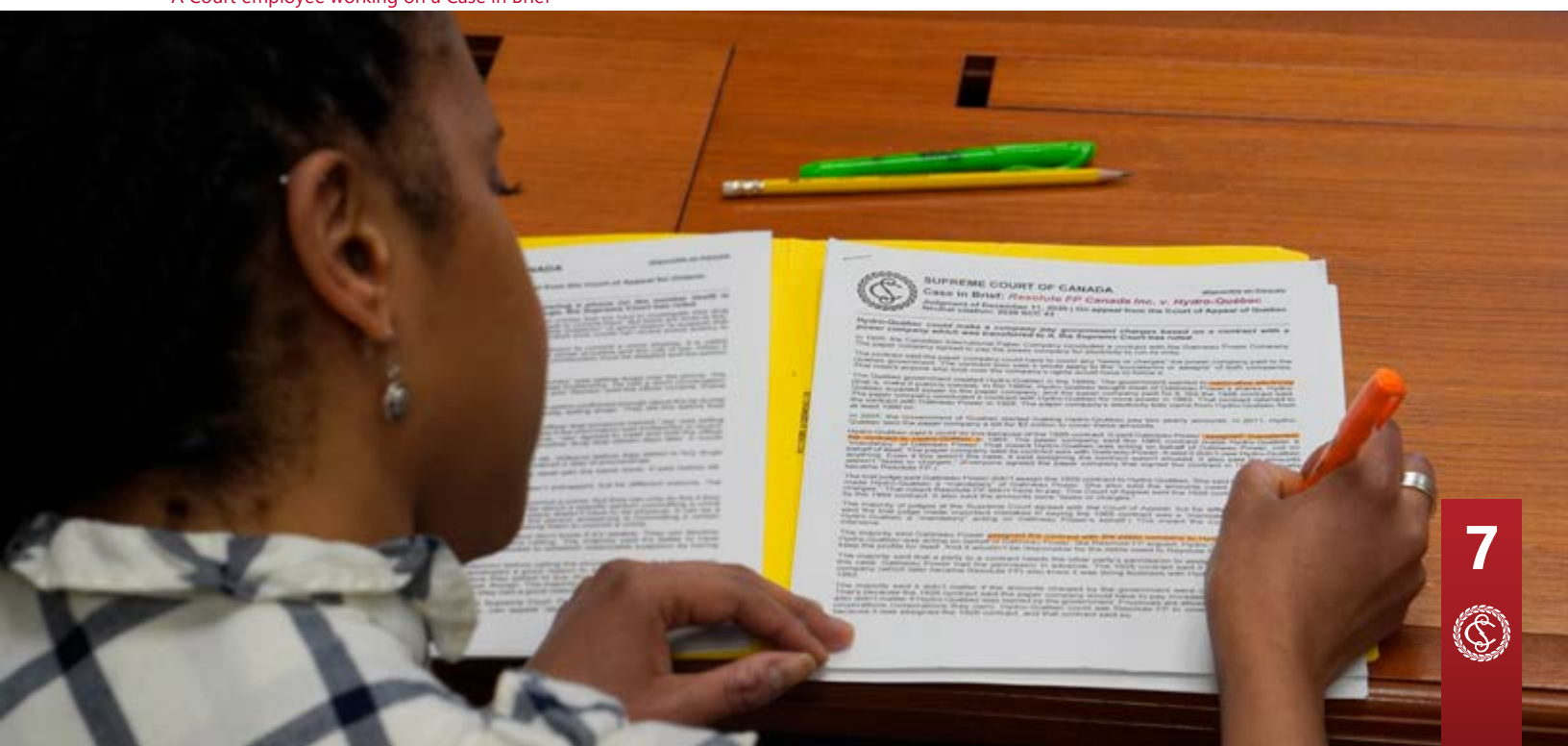
The Supreme Court of Canada is committed to making its decisions more accessible to the general public. Two years ago, we started publishing plain-language summaries of written decisions. Crafted for the public, these easy to understand Cases in Brief are proving to be an effective way to expand access to justice and understanding about Canada's legal system.

The Court is always looking for new ways to make its work more accessible; that means – **easy to read, easy to understand, easy to find** and more. Eager to hear from Canadians in 2020, the Court launched a survey to get feedback from the public. The purpose was to find out who was reading the plain-language summaries, as well as what they liked and what they thought could be improved. The survey was open throughout the spring and summer, and the results were invaluable. They suggested that rural Canadians and older people were underrepresented among our readers. On the occasion of the Court's 100th Case in Brief in October, the Chief Justice announced the first initiative based on respondents' feedback. The Court would proactively reach out to community newspapers and encourage them to publish any Case in Brief they felt would be of interest to the readers in their area.

Respondents also expressed how much they appreciate the Cases in Brief. It was gratifying to learn the public is hungry for even more legal information, which the Court is working to provide. Survey results also suggested:

- three quarters of readers prefer or need simpler writing to understand Court decisions
- the Court can do a better job reaching people under 18 or over 65 years of age, as well as those in smaller communities
- half of the Case in Brief readers work or study in the legal field
- people continue to value reading decisions and headnotes

A Court employee working on a Case in Brief



Judicial Independence: A Constitutional Value

Parliament and the Supreme Court are just down the street from each other in Ottawa. Yet they are very separate institutions. Canada has three different – but equal – **branches of government**, each with tasks and powers set out for them in the **Constitution**. The executive decides policy. The legislative branch makes and passes laws. The judiciary interprets those laws. Judges cannot tell the executive what policy to make, or the legislature what laws to pass. All courts can do is strike down what is not consistent with the law, and give advice on what might be done to fix it. By the same token, neither the executive nor the legislature can tell the judiciary what cases to hear or how to decide them. This is what **judicial independence** means.

The three branches provide important **checks and balances**. Members of the executive and legislative branches are politicians, most are elected. Judges are appointed and do not need such public approval. This is not some kind of personal privilege. It is because judges have a different role. The equilibrium of all three branches is what supports Canada's vibrant **democracy**, strong **rule of law**, and robust protections for people's **rights and freedoms**.

Judicial independence is one of those phrases heard from time to time. It is bland enough that it can be easy to gloss over without a thought. Yet, it is crucial to this **equilibrium**. Without it, these important values would be unbalanced. While the scales of justice may tip to one side or another, the scales of democracy must not.

This is why the “Accord to strengthen the independence of the Supreme Court of Canada,” signed in 2019, is so important. It asserts the Supreme Court’s independence from the policy and legislative functions of the other branches.

Justitia overlooking Parliament





Chief Justice Wagner and Prime Minister Trudeau before the Speech from the Throne

Politicians are expected to have their finger on the pulse of the people. They ensure the state responds to their evolving needs and wants. The judiciary is meant to be a check on that. Judges do not decide based on what is popular. They make decisions based on what is right, in the context of our **legal traditions** and rule of law.

These are all very basic constitutional concepts, but in an age of misinformation and disinformation, they can become conflated and confused. Judges are not politicians. Politicians are not judges. They are different, equal and meant to keep each other in balance. Throughout our nation's history, they have done so.

In keeping this balance, Canadians have built a democratic system that truly works. It works so well that people do not often notice it. It is like oxygen in the air; necessary for life, but not something the public necessarily thinks about until it is not there anymore. By that point, of course, it would be too late.

Canadians cannot take what we have built for granted. Canada and its institutions are strong because people continue to have confidence in them. This is not to say that all of what we have worked for will disappear. But it is possible. Other countries know this very well. Their citizens once thought, "it can't happen here." It can't, until it does. These are troubled times. The rule of law and judicial independence are under threat around the world. No one should be complacent. Together, people should protect the delicate balance Canadians throughout history have worked so hard to get right.

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**.

Supreme Court of Canada judges are appointed by the Governor in Council, which is when the Governor General acts on the advice of the federal Cabinet. To qualify for appointment, Supreme Court judges must have either been a judge of a superior court or a lawyer with at least 10 years of experience at a provincial or territorial bar.

A minimum of five judges must hear each appeal, though there are usually seven or nine.

Chief Justice Richard Wagner



Born: 1957 (Montréal, QC)
Appointed: 2012 (Quebec)
Appointed as Chief Justice: 2017
Law school: University of Ottawa
Years on the bench*: 15

Justice Rosalie Silberman Abella



Born: 1946 (displaced persons camp in Stuttgart, Germany)
Appointed: 2004 (Ontario)
Law school: University of Toronto
Years on the bench*: 45

Justice Michael J. Moldaver



Born: 1947 (Peterborough, ON)
Appointed: 2011 (Ontario)
Law school: University of Toronto
Years on the bench*: 31

Justice Andromache Karakatsanis



Born: 1955 (Toronto, ON)
Appointed: 2011 (Ontario)
Law school: Osgoode Hall
Years on the bench*: 19

Justice Suzanne Côté



Born: 1958 (Cloridorme / Gaspé Peninsula, QC)
Appointed: 2014 (Quebec)
Law school: Laval University
Years on the bench*: 6

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*: 8

Justice Malcolm Rowe



Born: 1953 (St. John's, NL)
Appointed: 2016
(Newfoundland and Labrador)
Law school: Osgoode Hall
Years on the bench*: 21

Justice Sheilah L. Martin



Born: 1957 (Montréal, QC)
Appointed: 2017 (Alberta)
Law school: McGill University
(master's: University of Alberta,
doctorate: University of Toronto)
Years on the bench*: 15

Justice Nicholas Kasirer



Born: 1960 (Montréal, QC)
Appointed: 2019 (Quebec)
Law school: McGill University
(master's: Université Paris I
(Panthéon-Sorbonne))
Years on the bench*: 11

**All court levels, as of 2020*

A judge's view of the Court's first virtual hearing



Canada's Highest Court: A Court for All Canadians

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 may hear appeals from other courts.

The Supreme Court is **independent and impartial**. It 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** and **bijural** (two legal systems) supreme court in the world. It hears and decides cases in English and French, and deals with cases from Canada's two major legal traditions. Common law is based on English law and civil law is based on the French civil code and applies to most non-criminal matters in Quebec.

The Supreme Court of Canada building on a snowy winter day



The Supreme Court and its judges take part in many activities outside the courtroom, both in Canada and around the world. In 2020, due to the global pandemic, many of these activities happened online. Some notable dates include:

- April 8** **145th anniversary** of the Supreme Court of Canada
- April 30** Publication of the Court's second annual **Year in Review**
- June 9 to 12** First **fully online** hearings
- June 18** Chief Justice's **annual news conference**
- July 2** Launch of **remote public tours** of the Supreme Court building
- September 23** The Chief Justice attended the **Speech from the Throne**

The Supreme Court of Canada is a member of a number of **international court organizations** such as:

- World Conference on Constitutional Justice
- Asia-Pacific Judicial Colloquium
- L'Association des cours constitutionnelles francophones (Association of Francophone Constitutional Courts)
- L'Association des hautes juridictions de cassation des pays ayant en partage l'usage du français (the Association of Supreme Courts of Cassation of French-Speaking Countries)
- International Association of Supreme Administrative Jurisdictions

Meeting with colleagues in courts around the world allows for the sharing and exchange of best practices, ideas and innovations. The Supreme Court and its judges are also keen to extend invitations to members of these and other organizations.

Chief Justice Wagner listening to a question from a journalist at his annual news conference



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 enduring commitment to **openness and accessibility**, the Supreme Court communicates directly with the public and media.

In 2020, the Court...



gave
30
media briefings



published
30
Cases in Brief



published
211
news releases



tweeted 353 times



posted 60 times



welcomed 1,004,252 visitors to the Court's website



welcomed over
2,900
visitors to the Court

Note: As of publication, the Court has been closed to the public since March 2020.



welcomed over
3,500
visitors on remote tours

Note: Remote tours began in July 2020.

Tour guides giving remote tours



Connecting to the Court

To learn more about the Court and its activities, we invite the public to:

- **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**
- take a **remote guided tour** of the Court
- visit the Supreme Court of Canada to **watch a hearing** in person*

*Visiting the Court in person was not possible for most of 2020, as the building was closed to the public due to the pandemic.

The Court pivoted to launch a remote tour program that is more accessible to the public, who may visit from anywhere across the country. During the remote tour, our guides present the following topics:

- Canada’s judicial system
- judges of the Court
- history of the building
- the architecture
- the main courtroom

To sign up, please fill out the form on the Court’s website. You don’t need to be a large group; this is a great activity to do with your friends or family!

Once public health protocols permit, we look forward to seeing you in person for a tour or to watch a hearing in the courtroom. Visiting us is free and we are accessible to people with disabilities.

A tour guide’s view during a remote tour



2020

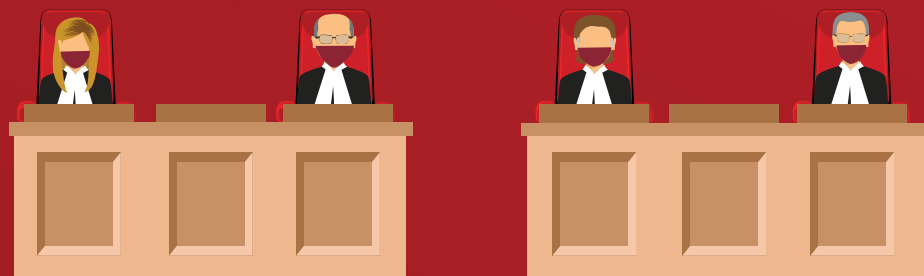
by the Numbers

In 2020, the Supreme Court of Canada...

received **471**
applications for leave
(permission) to appeal

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

granted **28**
applications for leave



heard **41** appeals

heard from
116 main parties



and
243 interveners



issued **45** decisions
(deciding 46 cases)



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. The Court also hears **references**, which are requests received from the federal government for an opinion on a specific question.

In 2020, **483 applications for leave to appeal** were given to judges to decide. The Court granted **28**, or **6%**. It also received **25 notices of appeal as of right**. The Court didn't receive any references in 2020. It did receive **one** notice of appeal from a provincial reference, but this is an appeal as of right at the Supreme Court. The Court heard **41** appeals, of which **17 (41%)** were decided from the bench.

Judges' view during a hybrid hearing

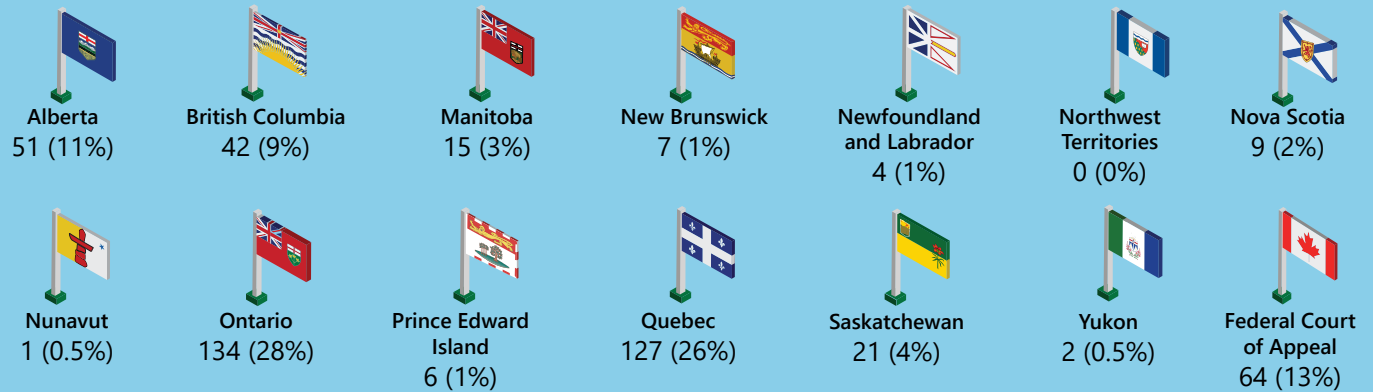
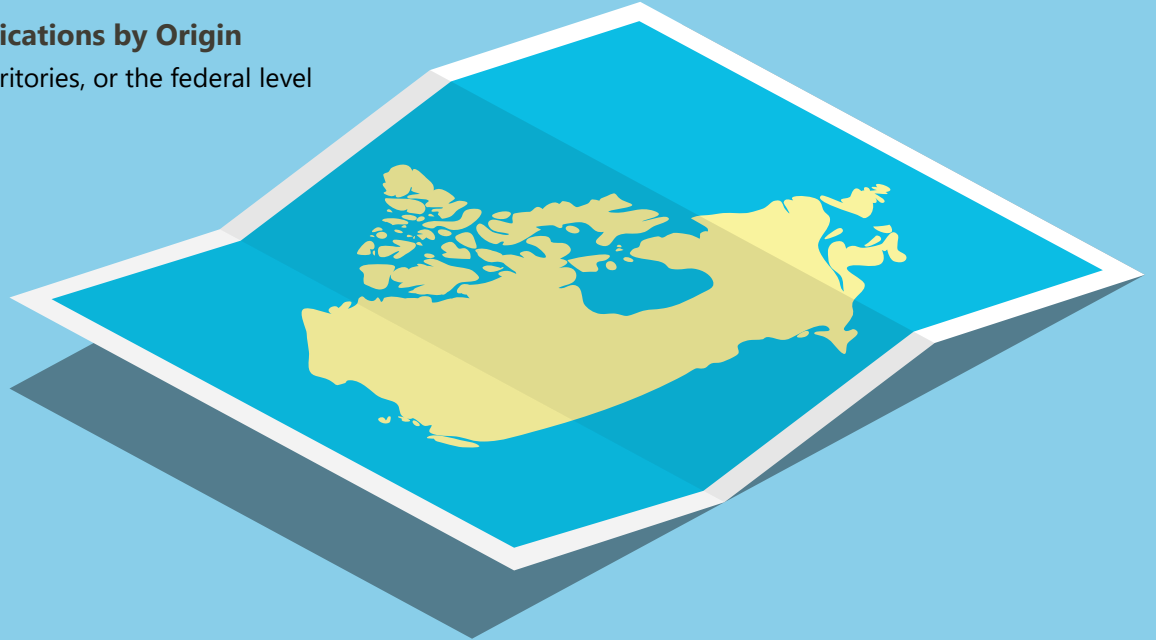


Applications for Leave Referred for Decision

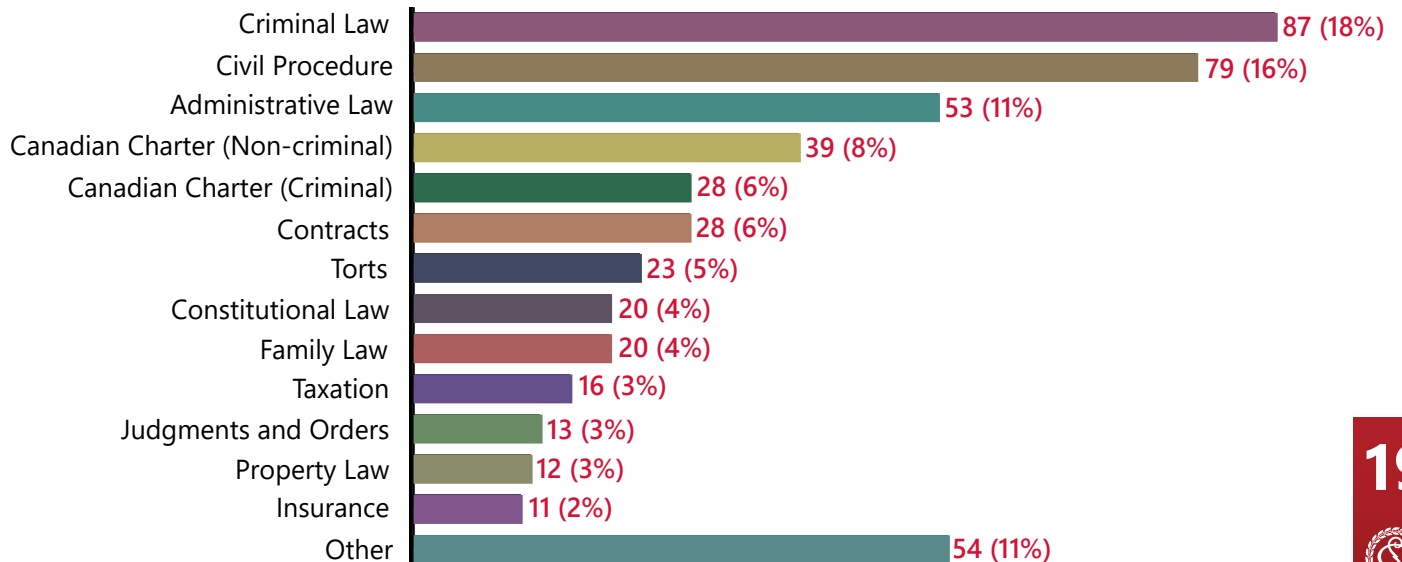
Number of Applications by Origin

From provinces, territories, or the federal level

TOTAL
483



Applications by Main Area of Law

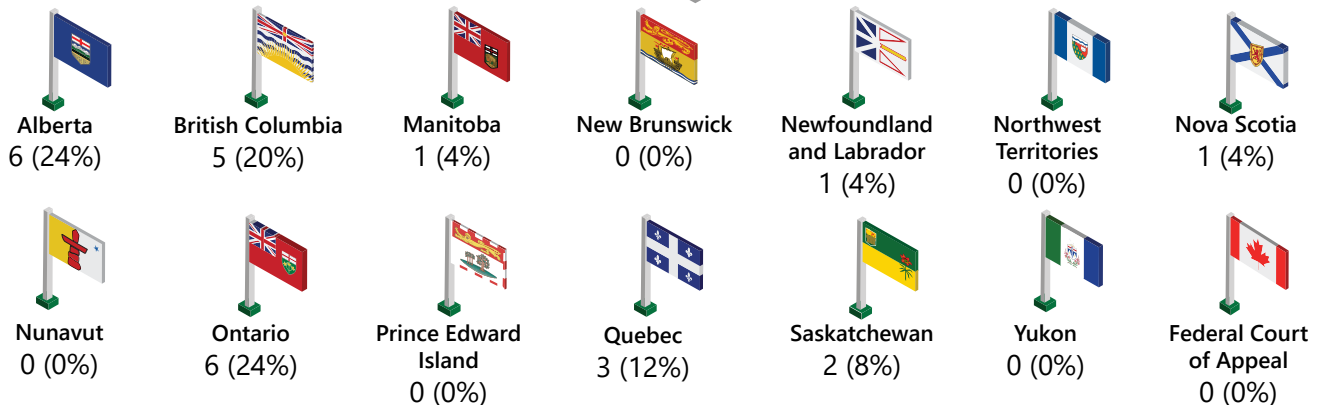
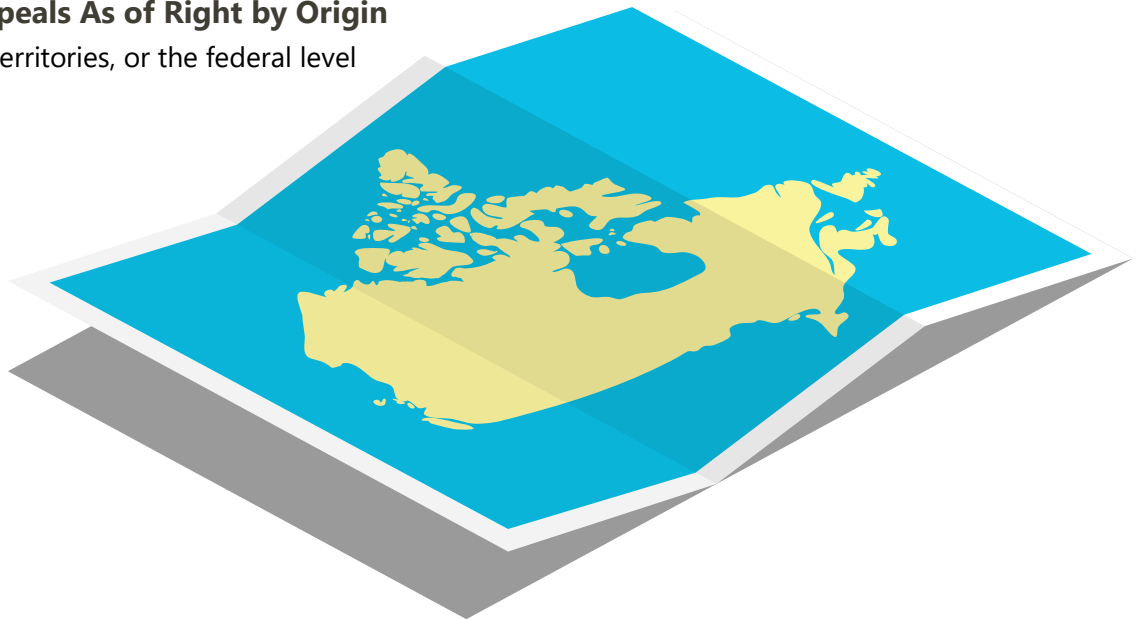


Appeals As of Right

Number of Appeals As of Right by Origin

From provinces, territories, or the federal level

TOTAL
25



Justice Kasirer (left) and Justice Karakatsanis (right) during a virtual hearing

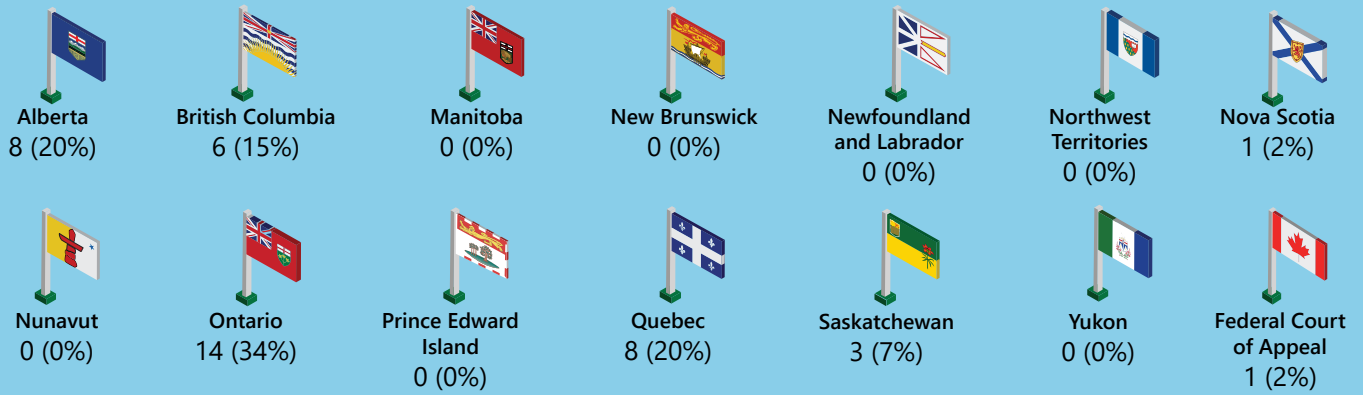
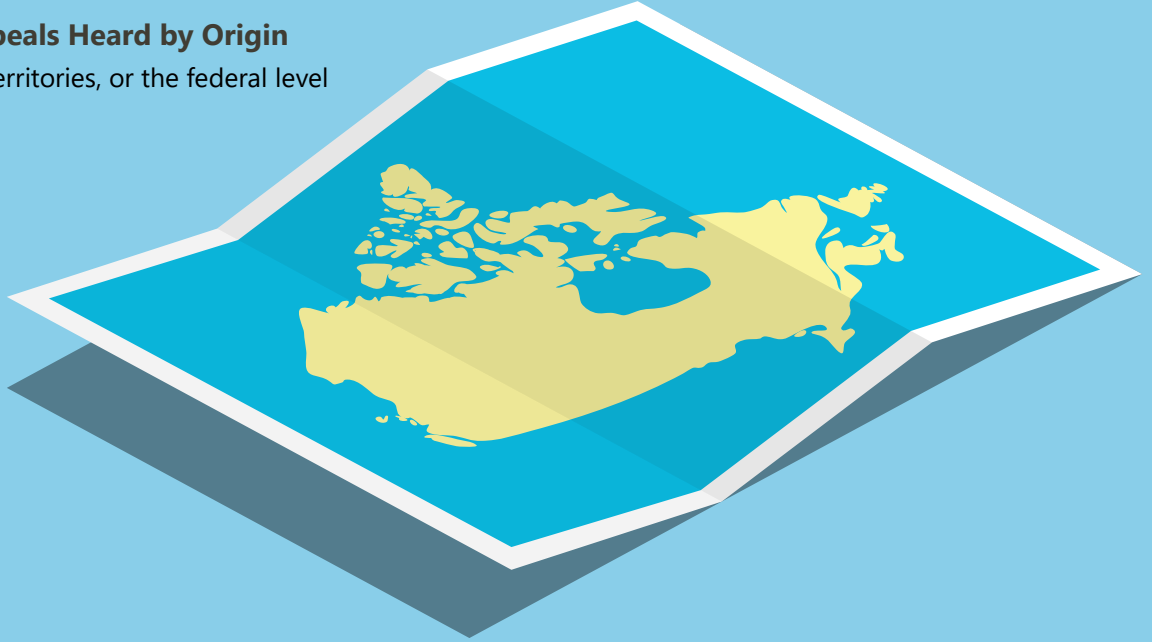


Appeals Heard

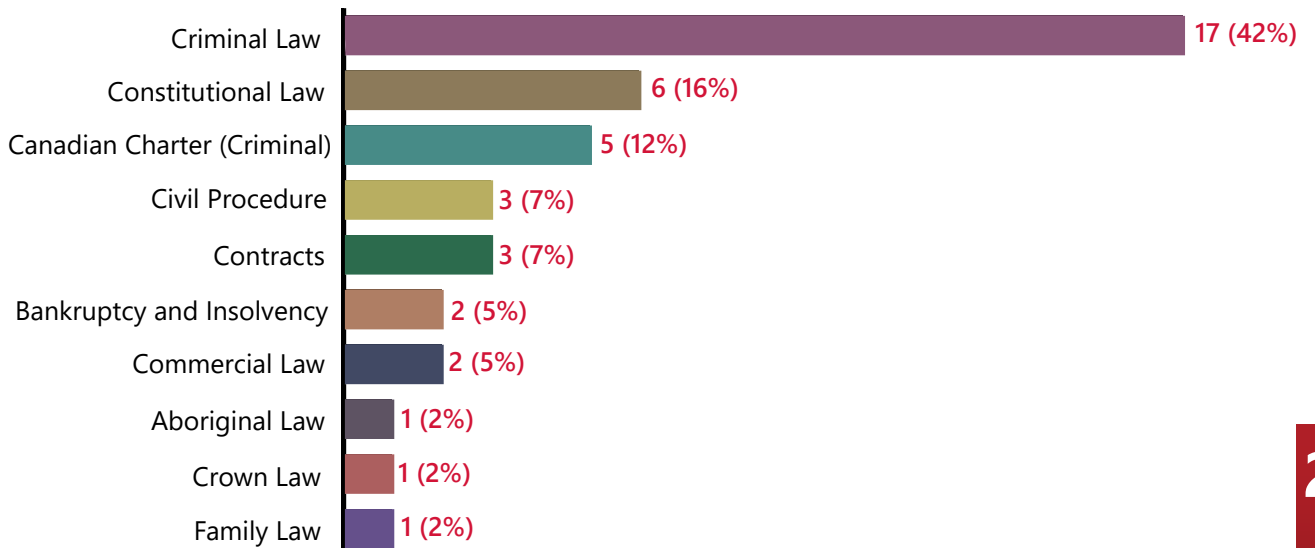
Number of Appeals Heard by Origin

From provinces, territories, or the federal level

TOTAL
41



Appeals Heard by Main Area of Law

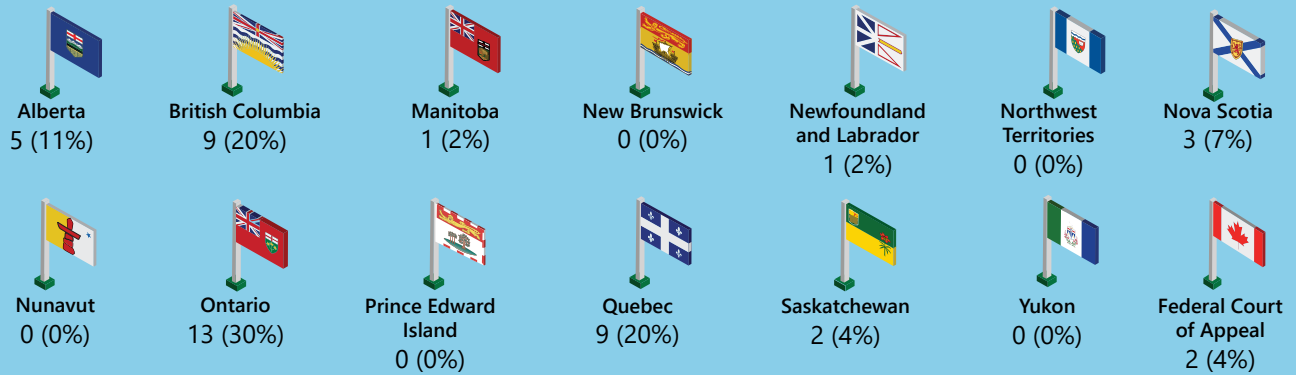
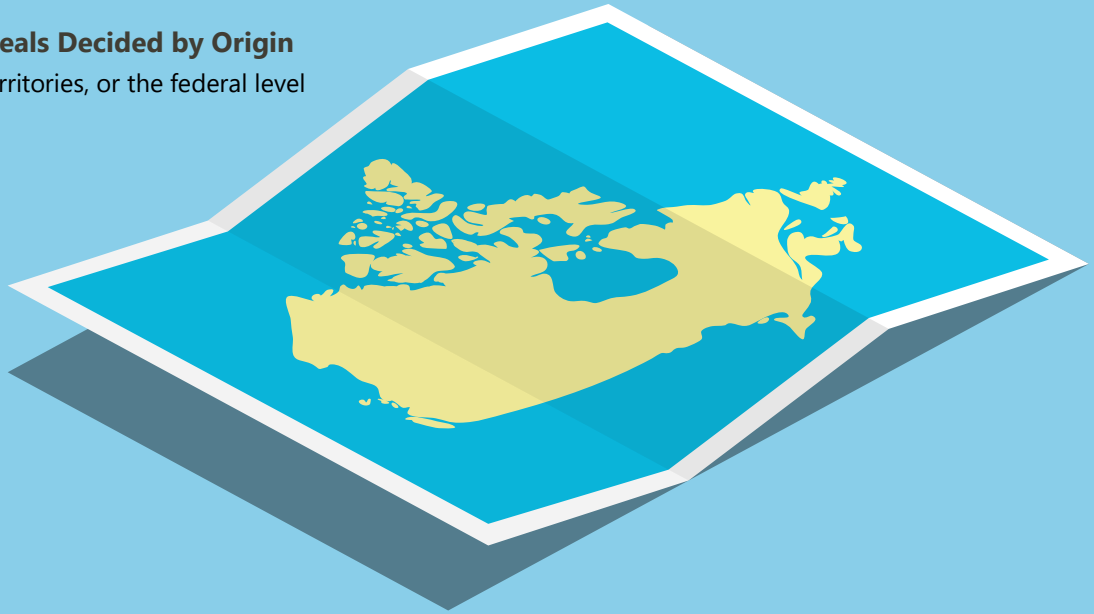


Appeals Decided

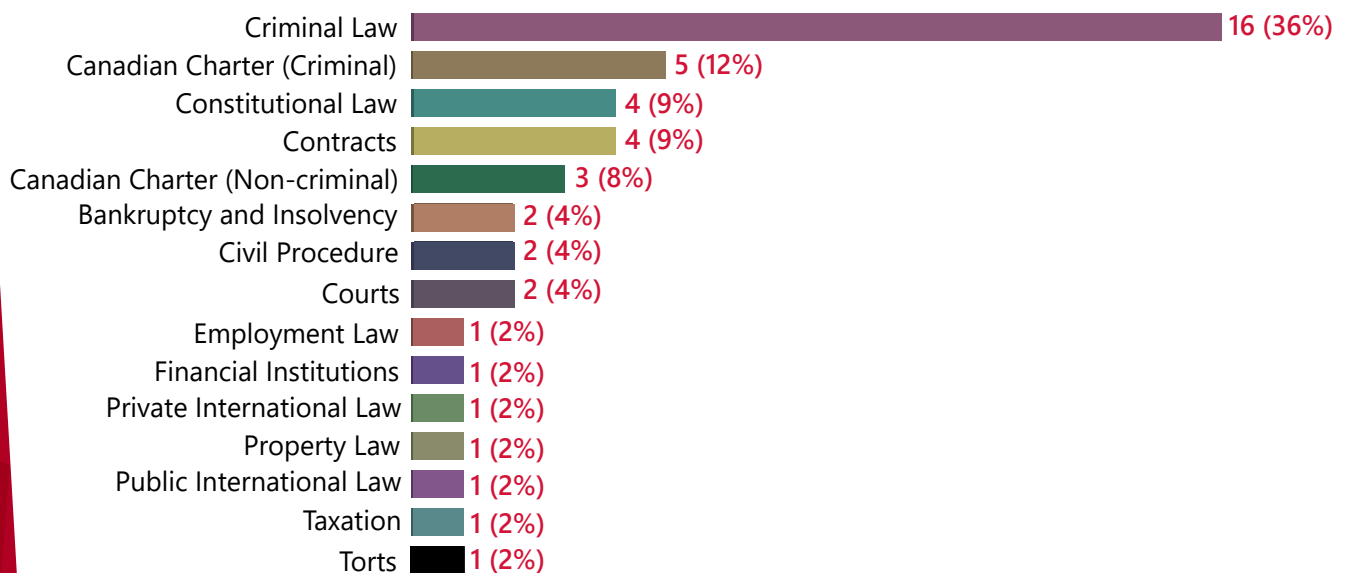
Number of Appeals Decided by Origin

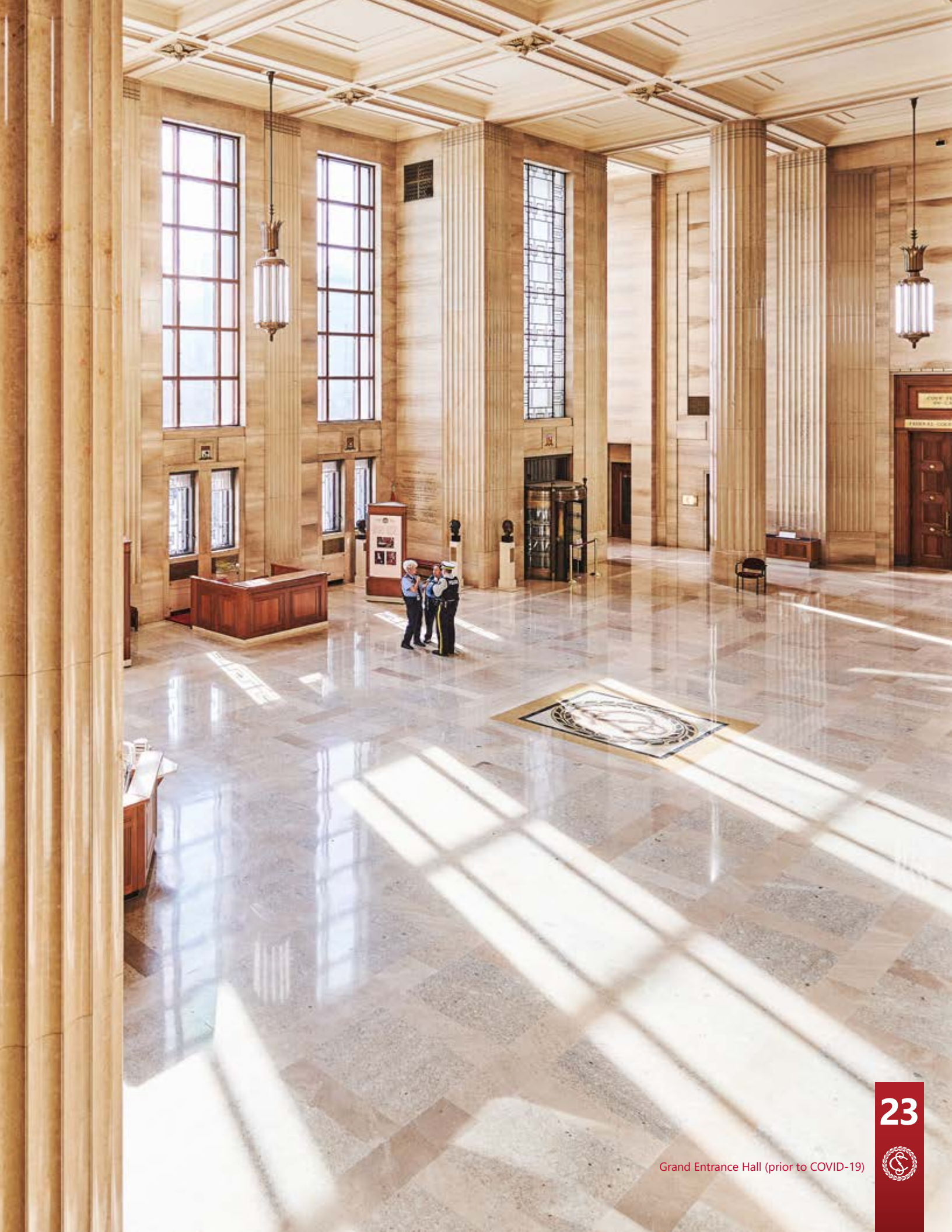
From provinces, territories, or the federal level

TOTAL
45



Appeals Decided by Main Area of Law





Grand Entrance Hall (prior to COVID-19)

A Landmark Judgment:

Language Rights in Schools

The *Canadian Charter of Rights and Freedoms* is part of Canada's Constitution. It sets out the **rights and freedoms** of all Canadians. Some of those *Charter* rights protect the use of Canada's **official languages**, English and French.

Section 23 of the *Charter* is about the **right to go to school in English or French**, even when it's not the main language of the province or territory. It says people whose first language is the minority language, or who went to primary school in that language, can send their kids to school in that language. But there have to be enough children in a community to justify it. Section 23 doesn't say exactly how many children is enough for different levels of services. (For example, their own classrooms, their own schools, or their own school boards.) It also doesn't say how good the education in those schools has to be.

In June of 2020, the Supreme Court issued its decision in ***Conseil scolaire francophone de la Colombie-Britannique v. British Columbia***. This decision affirmed that children who study in English or French should get the same quality of education. The decision also said that eight B.C. communities should get French-language schools.

The majority of judges noted that school helps preserve the **language and culture of official-language minorities**. That's why the right to go to school in the minority language is protected. The majority also said all children deserve the same opportunities. That means that minority and majority-language students should get the **same quality and experience** at school. Going to a small school shouldn't mean students get a worse education.

This was one of two cases heard during the Supreme Court's visit to Winnipeg, Manitoba in September 2019. It was the first time in history the Court sat outside of Ottawa.

People lined up hours in advance to attend this hearing



Justices Martin and Brown



Public view of the hearing in Winnipeg, MB



Justices Côté and Rowe





Decisions

Notable Decisions

Conseil scolaire francophone de la Colombie-Britannique v. British Columbia

Children who study in English or French should get the same quality of education. Eight B.C. communities should get French-language schools. (See page 24 for more information about this landmark decision.)

Fraser v. Canada (Attorney General)

The Royal Canadian Mounted Police pension plan discriminated against women.

Uber Technologies Inc. v. Heller

An agreement saying an UberEats driver had to go to arbitration instead of suing in Ontario was so unfair that it was invalid.

Matthews v. Ocean Nutrition Canada Ltd.

An employee forced by their employer to quit should have gotten a bonus they would have received during the notice period, unless their contract said otherwise.

Nevsun Resources Ltd. v. Araya

A lawsuit against a Canadian company for violations of customary international law in Eritrea could go forward.

Michel v. Graydon

British Columbia law says courts can order back payment of child support even after the child is grown up.

R. v. Friesen

Courts should impose tougher punishments for sexual crimes against children.

R. v. Ahmad

Police need good reason to suspect someone who answers a phone is involved in drug dealing, before asking them to sell drugs.

Bent v. Platnick

A doctor's defamation lawsuit against a lawyer was not a tactic to prevent the lawyer from speaking out, and could go forward.

Reference re Genetic Non-Discrimination Act

Parliament had the power to make it a crime to force someone to undergo genetic testing or reveal their test results.

All Decisions

	Case Name	Origin	Decision Date
1	Reference re <i>Environmental Management Act</i>	British Columbia	Jan. 16
2	R. v. Doonanco	Alberta	Feb. 18
3	R. v. S.H.	Ontario	Feb. 19
4	Newfoundland and Labrador (Attorney General) v. Uashaunuat (Innu of Uashat and of Mani-Utenam)	Quebec	Feb. 21
5	Nevsun Resources Ltd. v. Araya	British Columbia	Feb. 28
6	MacDonald v. Canada	Federal Court of Appeal	Mar. 13
7	R. v. K.G.K.	Manitoba	Mar. 20
8	R. v. Chung	British Columbia	Mar. 27
9	R. v. Friesen	Manitoba	Oct. 16, 2019
	Decision rendered from the bench (written reasons April 2, 2020)		
10	9354-9186 Québec inc. v. Callidus Capital Corp.	Quebec	Jan. 23
	Decision rendered from the bench (written reasons May 8, 2020)		
11	R. v. Ahmad*	Ontario	May 29
12	R. v. Li	British Columbia	June 11
13	Conseil scolaire francophone de la Colombie-Britannique v. British Columbia	British Columbia	June 12
14	R. v. Zora	British Columbia	June 18
15	Toronto-Dominion Bank v. Young	Quebec	Nov. 7, 2019
	Decision rendered from the bench (written reasons June 19, 2020)		
16	Uber Technologies Inc. v. Heller	Ontario	June 26
17	Reference re <i>Genetic Non-Discrimination Act</i>	Quebec	July 10
18	R. v. Thanabalasingham	Quebec	July 17
19	Atlantic Lottery Corp. Inc. v. Babstock	Newfoundland and Labrador	July 24
20	British Columbia (Attorney General) v. Provincial Court Judges' Association of British Columbia	British Columbia	July 31
21	Nova Scotia (Attorney General) v. Judges of the Provincial Court and Family Court of Nova Scotia	Nova Scotia	July 31

	Case Name	Origin	Decision Date
22	1704604 Ontario Ltd. v. Pointes Protection Association	Ontario	Sept. 10
23	Bent v. Platnick	Ontario	Sept. 10
24	Michel v. Graydon	British Columbia	Nov. 14, 2019
	Decision rendered from the bench (written reasons Sept. 18, 2020)		
25	Chandos Construction Ltd. v. Deloitte Restructuring Inc.	Alberta	Oct. 2
26	Matthews v. Ocean Nutrition Canada Ltd.	Nova Scotia	Oct. 9
27	R. v. Reilly	Alberta	Oct. 13
28	Fraser v. Canada (Attorney General)	Federal Court of Appeal	Oct. 16
29	Owners, Strata Plan LMS 3905 v. Crystal Square Parking Corp.	British Columbia	Oct. 23
30	Desjardins Financial Services Firm Inc. v. Asselin	Quebec	Oct. 30
31	R. v. Riley	Nova Scotia	Nov. 3
32	Quebec (Attorney General) v. 9147-0732 Québec inc.	Quebec	Nov. 5
33	R. v. Langan	British Columbia	Nov. 5
34	R. v. Kishayinew	Saskatchewan	Nov. 5
35	1688782 Ontario Inc. v. Maple Leaf Foods Inc.	Ontario	Nov. 6
36	R. v. Slatter	Ontario	Nov. 6
37	Hydro-Québec v. Matta	Quebec	Nov. 13
38	Ontario (Attorney General) v. G	Ontario	Nov. 20
39	R. v. Delmas	Alberta	Dec. 2
40	R. v. Mehari	Saskatchewan	Dec. 4
41	CO-Operators General Insurance Co. v. Sollio Groupe Coopératif	Quebec	Dec. 7
42	R. v. W.M.	Ontario	Dec. 10
43	Resolute FP Canada Inc. v. Hydro-Québec	Quebec	Dec. 11
44	R. v. Cortes Rivera	Alberta	Dec. 11
45	C.M. Callow Inc. v. Zollinger	Ontario	Dec. 18

See Notable Decisions on page 26.

*This decision covers more than one case.



Ten-Year Trends

Definitions:

- **As of right** – an appeal where the Court’s permission isn’t required, that is, the right is automatic.
- **By leave** – an appeal that needs the Court’s 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 that 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 leave to appeal is granted.
- **Granted (leave application)** – when the Court gives permission for an appeal to be heard.
- **Dismissed (leave application)** – when the Court does not give permission for an appeal to go forward.
- **Allowed (appeal)** – when the Court overturns the lower-court decision.
- **Dismissed (appeal)** – when the Court agrees with 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.

Employees managing the technical aspects of a virtual hearing in June 2020



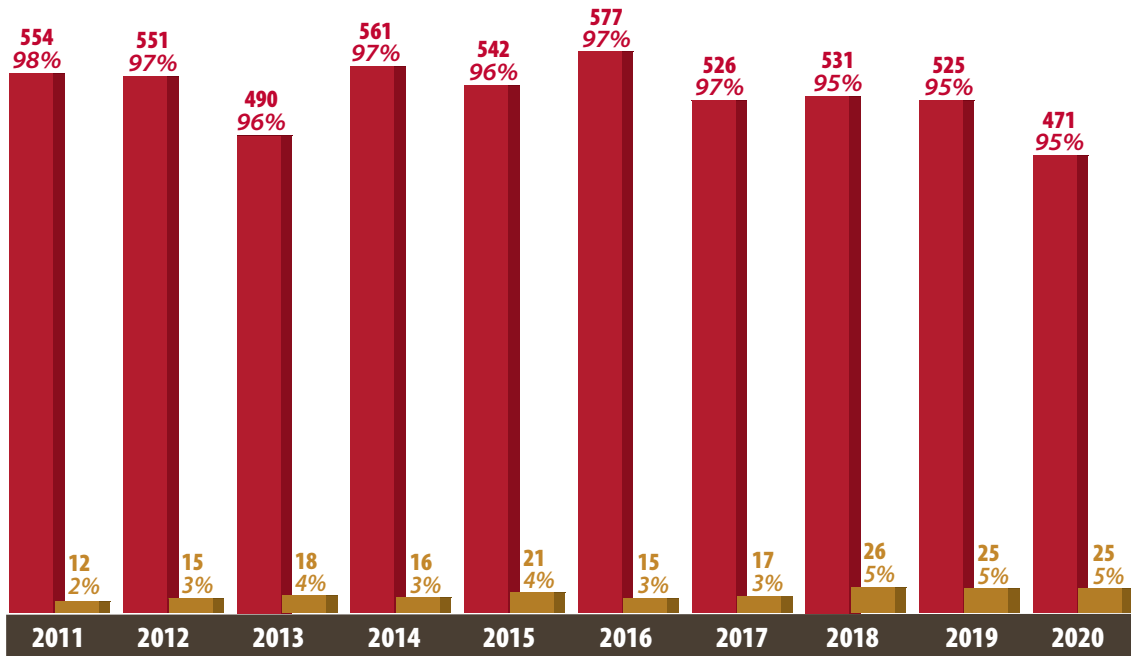
Justices Brown, Abella and Kasirer physically distancing



Breakdown of Cases Filed at the Court

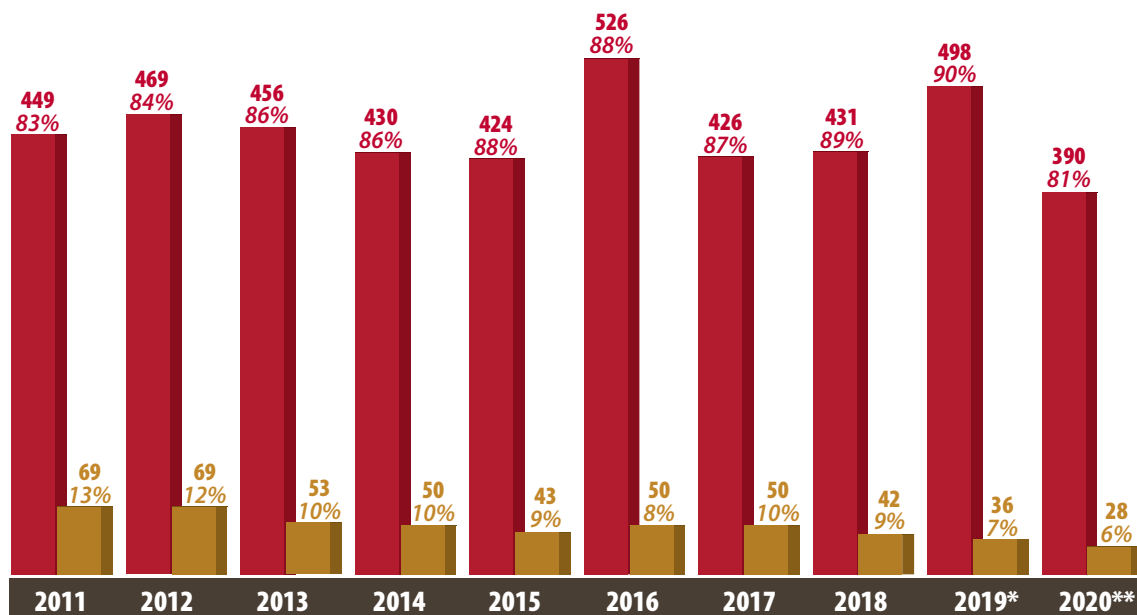
Types of Cases

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



Outcomes of Leave Applications Referred for Decision

● Dismissed ● Granted



Note:

Statistics do not 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 is still one leave application from 2019 that has yet to be decided.

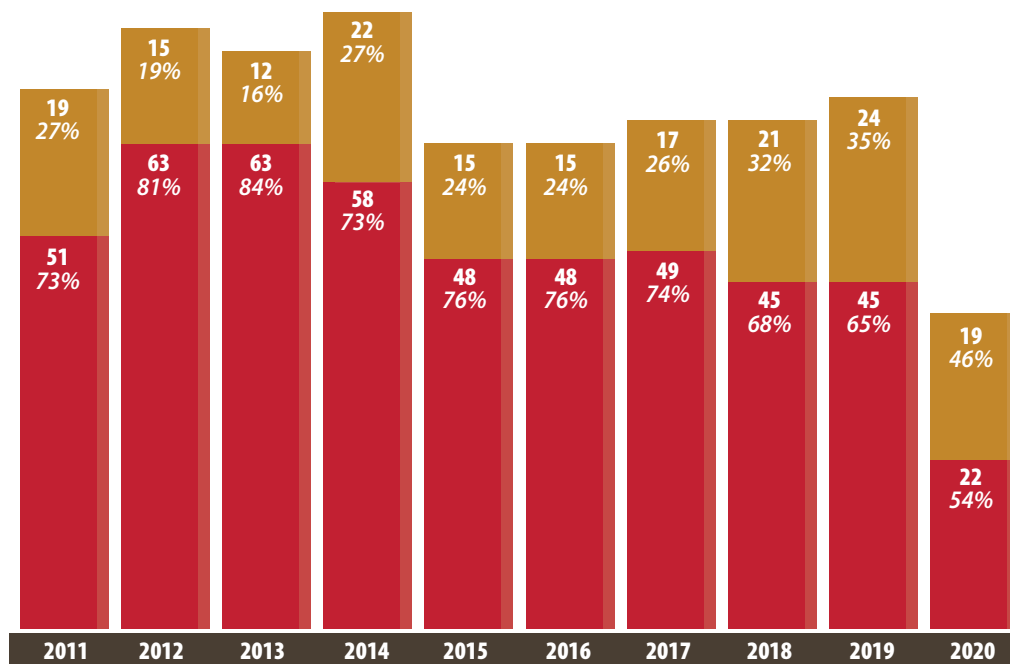
**There were 50 leave applications from 2020 that had not yet been decided on December 31, 2020.



Breakdown of Appeals Heard

Types of Appeals

● As of Right ● By Leave



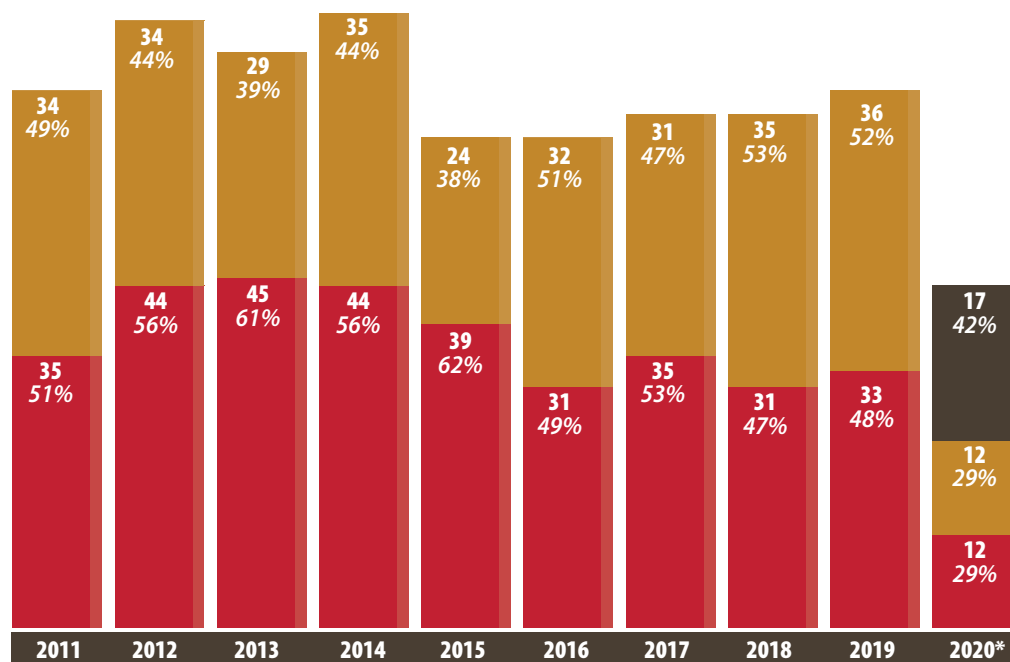
Note:

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 the same written reasons, even if the Court hears them separately.

Outcomes of Appeals Heard

● Allowed ● Dismissed ● On Reserve



Note:

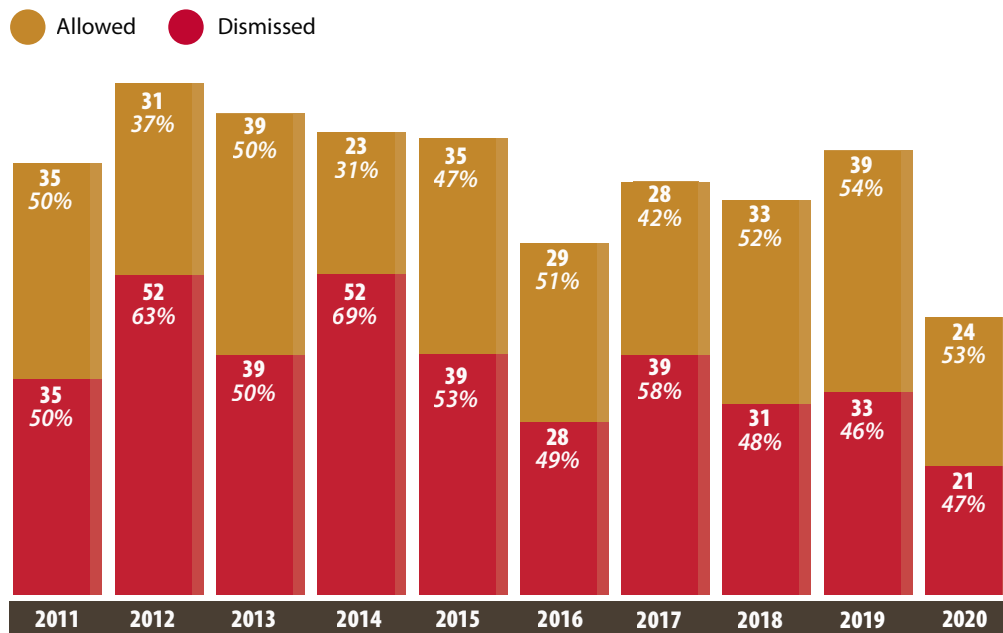
Appeals aren't counted in these statistics if there was a rehearing or remand ordered, or they were discontinued after the hearing, or they were references under s. 53 of the *Supreme Court Act*. (There were no situations like this in 2020.)

*There were 17 appeals "on reserve" (that have not yet been decided) on December 31, 2020.



Breakdown of Decisions

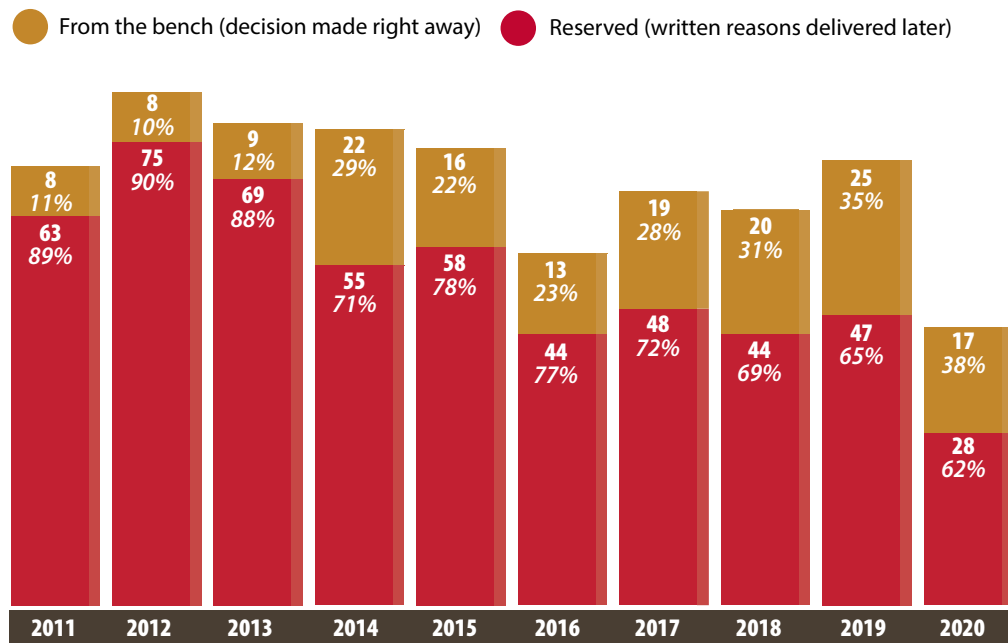
Outcomes of Appeals Decided



Note:

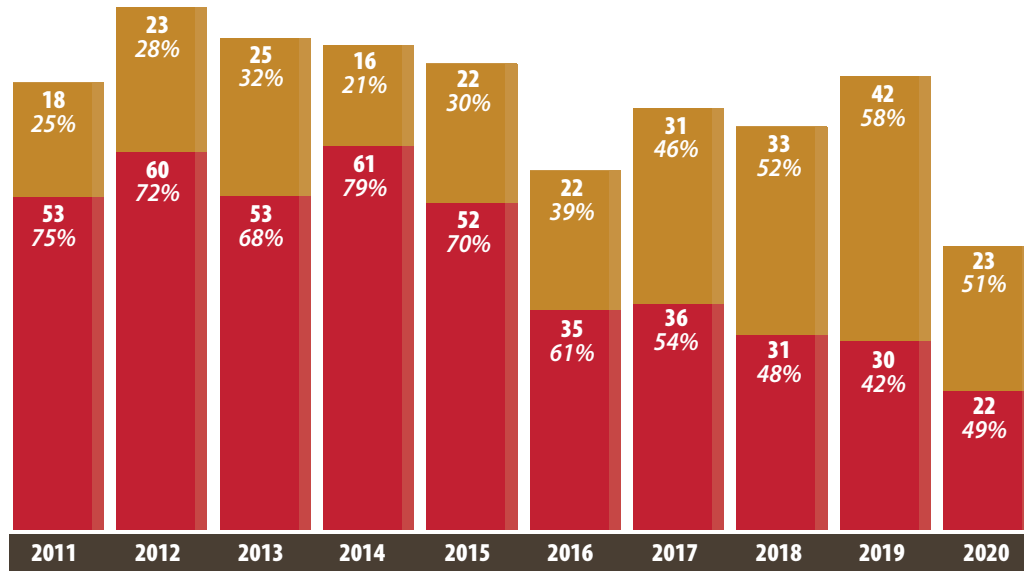
The appeals to which these judgments relate may have been heard in a previous year. Opinions on references under s. 53 of the *Supreme Court Act* are not included.

Delivery of Decision



Agreement on Decisions

● Not Unanimous ● Unanimous



Note:

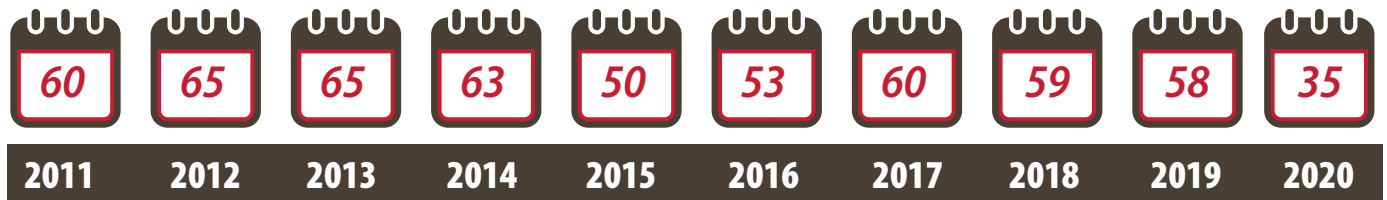
This refers to whether all judges agree on the result (either for the same reasons or for different reasons), or whether they disagree on the result. A “unanimous” decision may therefore have more than one set of reasons.

Judges' view during a hybrid hearing

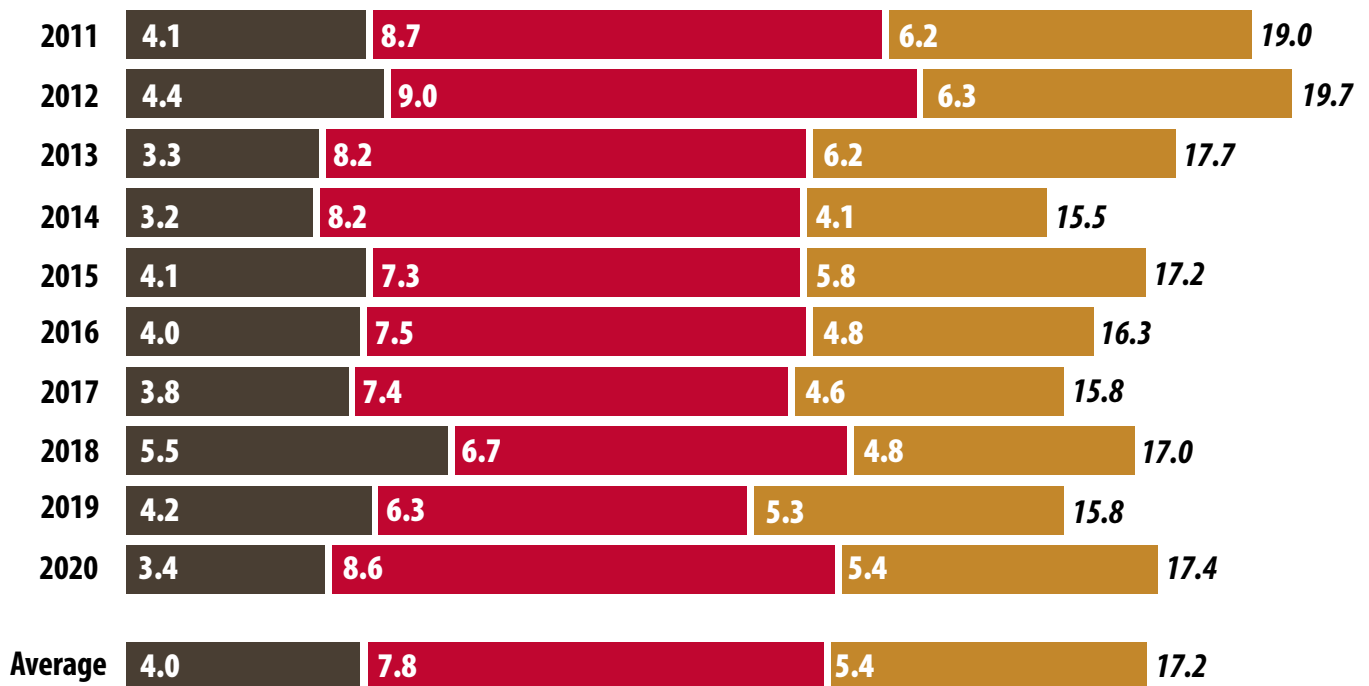


Timing

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

Wintertime at the Supreme Court of Canada

