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CELEBRITY NEWS Upstart Magazine



[The Supreme Court of Canada building is pictured, in Ottawa, on October 15, 2014. THE CANADIAN PRESS/Sean Kilpatrick]

Every year, the Supreme Court of Canada (SCOC) hears cases considered to be of national importance. They might pertain to constitutional questions, answer questions put to the court by the federal government or be the last resort in criminal and other appeals. Decisions by the country's top court can trickle down to lower courts and govern their approach in future cases.

Here are five of the top cases to watch in 2016.



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Jessica Ernst v. Alberta Energy Regulator

An Alberta woman whose water supply was contaminated by fracking sued the Alberta Energy Regulator (AER) for negligence and for allegedly trying to silence her by refusing to continue talks unless she stopped speaking out publicly. The regulator argued it is immune from such challenges under the Energy Resources Conservation Act (ERCA).

Jessica Ernst, of Rosebud, Alta., alleged that energy company Encana so polluted the community's drinking water with natural gas and toxic chemicals that she could light her water on fire. She took legal action against Encana and the AER (then called the Energy Resources Conservation Board) in December 2007. In April 2011, she added Alberta (ministry of) Environment to the \$33-million lawsuit.

An Alberta court sided with the AER, [ruling](#) in October 2013 that section 43 of the Act protects the regulator from private legal claims. It also agreed to the province's request to strike out more than a dozen paragraphs in Ernst's claim of negligence.

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The essence of the case is whether the province can enact legislation – the ERCA – that protects itself. The SCOC heard Ernst’s request to appeal on Tuesday; it’s unclear when the court will hand down a decision.

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Workers’ Compensation Appeal Tribunal v. Fraser Health Authority

Three female lab techs at a B.C. hospital were denied workers’ compensation for breast cancer, which they claimed was caused, or contributed to, by on-the-job exposure to chemicals.

Katrina Hammer, Patricia Schmidt and Anne MacFarlane were among six employees who developed breast cancer while employed at Mission Memorial Hospital between 1970 and 2004. The Workers’ Compensation Appeal Tribunal (WCAT), overruling two earlier decisions, said the women were entitled to compensation from their employer, the Fraser Health Authority.

“It found ... it was at least as likely as not that the breast cancers were an occupational disease due to the nature of their employment,” [court documents](#) say. “The majority (of the panel) relied, in part, on the fact that there was a higher than expected rate of breast cancer amongst laboratory workers and

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that they had been exposed to carcinogens at work.”

Another WCAT panel denied the employer’s request for a review, but a B.C. Court of Appeal said WCAT did not have the authority to review its own decision.

In its submission to the SCOC, which was heard on Thursday, WCAT argued it does have jurisdiction to decide the matter, that it and other similar tribunals were expressly established to resolve such cases within their systems rather than waste the court’s time and expense.

The court reserved its decision and will make a ruling in a matter of weeks or months.

Her Majesty the Queen v. Oswald Oliver Villaroman

A Quebec man was acquitted for possessing child pornography, which was discovered on his computer by a repair shop technician. The Crown appealed and wants a new trial.

Oswald Villaroman successfully challenged his 2013 conviction on the grounds that the way the evidence was discovered violated his Charter rights, and that there was no way to prove

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someone else hadn't downloaded the 36 child pornography files found on his computer, which was not password-protected.

The court, in its [ruling](#) last March, did not address the constitutional argument but agreed that there were gaps in the prosecutors' case because, among other things, the number of files showed that downloading activity was "not very frequent," and it would be "incautious" for someone to have put such material on a computer that bears only his user name.

That decision, the Crown argued in its application to the SCOC, "is an erroneous judgment with escalating implications. It is a matter of public importance to correct its errors and stem its implications."

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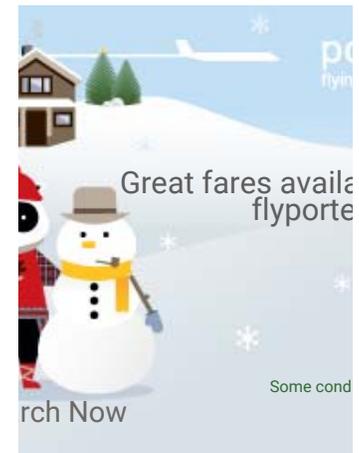
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