

CANADA / JUDGMENT

Glover v. Bell Canada

[1981] 2 SCR 563**COURT**

Supreme Court of Canada

DECIDED

17 December 1981

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Glover v. Bell Canada Collection Supreme Court Judgments Date 1981-12-17 Report

[1981] 2 SCR 563 Judges Laskin, Bora; Martland, Ronald; Ritchie, Roland Almon; Dickson, Robert George Brian; Beetz, Jean; Estey, Willard Zebedee; McIntyre, William Rogers; Chouinard, Julien; Lamer, Antonio On appeal from Ontario Subjects Courts Decision Content Supreme Court of Canada Glover v. Bell Canada, [1981] 2 S.C.R. 563 Date: 1981-12-17 Ann Patricia Glover (Plaintiff) Appellant; and Bell Canada (Defendant) Respondent. 1981: December 10; 1981: December 17. Present: Laskin C.J. and Martland, Ritchie, Dickson, Beetz, Estey, McIntyre, Chouinard and Lamer JJ. ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO. Courts—Powers of courts—Family law—Appellant awarded custody of her children—Husband abducted the children—Whereabouts unknown—Whether order supportable as an order of the type contemplated by s. 26 of The Family Law Reform Act, 1978—Order beyond scope of statutory authority and beyond courts' traditional role in inter partes proceedings—The Family Law Reform Act 1978, 1978 (Ont.), c. 2, s. 26. APPEAL from a judgment of the Court of Appeal for Ontario[1], setting aside an order by Lerner J. directing Bell Canada to file certain information with the Registrar of the Supreme Court of Ontario. Appeal dismissed. William D. Dunlop and Susan J. Serena, for the appellant. David G. Lawrence, for the respondent. The judgment of the Court was delivered by ESTEY J.—The Court of Appeal set aside an order by Lerner J. directing Bell Canada, pursuant to s. 26 of The Family Law Reform Act, 1978, 1978 (Ont.), c. 2, to: ...file with the Registrar of this Court for such periods as the records are available of telephone number 416-389-6929, or such other numbers as are supplied by Bell Canada to John and Jean Parkinson, 477 Rymal Road West, Hamilton, Ontario, the telephone numbers and the names and addresses of the subscribers to whom and from whom the telephone calls were made, or originated in the period that such records are available, commencing with the date of this Order and prior thereto. Section 26 of The Family Law Reform Act, supra, authorizes the court to: ...order any person or public agency to provide the court with such particulars of the address as are contained in the records in its custody and the person or agency shall provide to the court such particulars as it is able to provide. The order set out above clearly goes beyond the scope of the statutory authority quoted. It was urged in the alternative that the order of the judge of first instance was within the inherent powers of the court. The appellant was

unable to demonstrate on any authority the basis in law for such an order as that directed against the respondent herein and, in my view, the order, by its reach and nature, takes on an inquisitional hue which goes beyond the traditional role of the courts in inter partes proceedings. For these reasons I see no reason to differ with the disposition made of these proceedings by the Court of Appeal. Having in mind the very unsatisfactory position in which the appellant petitioner finds herself in this case and the related appeal[2], there shall be no order as to costs. Appeal dismissed. Solicitors for the appellant: Martin, Dunlop, Hillyer & Associates, Burlington. Solicitor for the respondent: D.G. Lawrence, Toronto.

[1] (1980), 29 O.R. (2d) 401.

[2] [1981]2 S.C.R. 561.

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