

CANADA / JUDGMENT

R. v. Ellis-Don Ltd.

[1992] 1 SCR 840**COURT**

Supreme Court of Canada

DECIDED

31 March 1992

Source: decisions.scc-csc.ca · Research copy typeset by Esheria. Not court-issued or certified.

R. v. Ellis-Don Ltd. Collection Supreme Court Judgments Date 1992-03-31 Report

[1992] 1 SCR 840 Case number 22297 Judges Lamer, Antonio; La Forest, Gérard V.; L'Heureux-Dubé, Claire; Sopinka, John; Gonthier, Charles Doherty; Cory, Peter deCarteret; McLachlin, Beverley; Stevenson, William; Iacobucci, Frank On appeal from Ontario Subjects Constitutional law Notes SCC Case Information: 22297 Decision Content R. v. Ellis-Don Ltd., [1992] 1 S.C.R. 840 Her Majesty The Queen Appellant v. Ellis-Don Limited and Rocco Morra Respondents and The Attorney General of Canada, the Attorney General of Quebec, the Attorney General of Manitoba, the Attorney General for Alberta and the Canadian Environmental Law Association Interveners Indexed as: R. v. Ellis-Don Ltd. File No.: 22297. 1992: March 31. Present: Lamer C.J. and La Forest, L'Heureux-Dubé, Sopinka, Gonthier, Cory, McLachlin, Stevenson and Iacobucci JJ. on appeal from the court of appeal for ontario Constitutional law -- Charter of Rights -- Presumption of innocence -- Reverse onus provision -- Statutory defence and common law defence of due diligence to be established by accused on balance of probabilities -- Restriction on presumption of innocence justifiable -- Canadian Charter of Rights and Freedoms, ss. 1 , 11 (d) -- Occupational Health and Safety Act, R.S.O. 1980, c. 321, s. 37(1), (2). Cases Cited Applied: R. v. Wholesale Travel Group Inc., [1991] 3 S.C.R. 154. APPEAL from a judgment of the Ontario Court of Appeal (1990), 1 O.R. (3d) 193, 42 O.A.C. 49, 76 D.L.R. (4th) 347, 61 C.C.C. (3d) 423, 2 C.R. (4th) 118, 5 C.R.R. (2d) 263, allowing the appeal by the accused from a judgment of the District Court dismissing their appeal from convictions under the Ontario Occupational Health and Safety Act. Appeal allowed. W. J. Blacklock, Phil Tunley and Andrea Esson, for the appellant. Earl A. Cherniak, Q.C., and Kirk F. Stevens, for the respondents. Michael R. Dambrot, Q.C., and Robert J. Frater, for the intervener the Attorney General of Canada. Monique Rousseau and Gilles Laporte, for the intervener the Attorney General of Quebec. Marva J. Smith, for the intervener the Attorney General of Manitoba. James C. Robb, for the intervener the Attorney General for Alberta. Stephen T. Goudge and Barbara Rutherford, for the intervener the Canadian Environmental Law Association. //Lamer C.J.// The judgment of the Court was delivered orally by Lamer C.J. -- We are all of the view that this appeal must succeed. The existence of a restriction to s. 11 (d) is governed by this Court's decision in R. v. Wholesale Travel Group Inc., [1991] 3 S.C.R.

154. The s. 1 analysis in *Wholesale* is applicable here, as there is no difference of substance between the nature of the legislation in that case and this one. Accordingly the appeal is allowed and the case is remitted to the Court of Appeal for disposal of the other grounds of appeal raised below and not dealt with by the Court of Appeal. Judgment accordingly. Solicitor for the appellant: The Deputy Attorney General of Ontario, Toronto. Solicitors for the respondents: Lerner & Associates, Toronto. Solicitor for the intervener the Attorney General of Canada: John C. Tait, Ottawa. Solicitors for the intervener the Attorney General of Quebec: Gilles Laporte and Monique Rousseau, Ste-Foy. Solicitor for the intervener the Attorney General of Manitoba: The Department of Justice, Winnipeg. Solicitor for the intervener the Attorney General for Alberta: James C. Robb, Edmonton. Solicitors for the intervener the Canadian Environmental Law Association: Gowling, Strathy & Henderson, Toronto; Barbara Rutherford, Toronto.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/862/index.do>

CASE PAGE <https://chat.esheria.ai/case-law/canada/r-v-ellis-don-ltd-1992>

Prepared on 29 October 2026 · Esheria