

# INDEX



DE GRANDPRÉ CHAIT S.E.N.C.  
LAWYERS

Vol. 1 Issue 2 October 2003

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## Notes of the month

### Labour and Employment

#### Employers Beware! The Duty to Accommodate: a "Hidden Defect" in Cases of Disability.

Employers must be ever more vigilant in determining whether or not to dismiss employees who are unable to resume their duties due to an illness or injury. It was not too long ago that an employee's physical disability was sufficient, in and of itself, to justify a decision to dismiss him on the ground that the employee did not, or could no longer, perform the work his employer was entitled to expect. Indeed, many decisions confirmed an employer's right to dismiss an employee who was unable to resume his duties in the foreseeable future. These types of terminations are now being reversed on the ground that the employer has failed to abide by its "duty to accommodate". By [Me Andrée Gosselin](#)

[Complete text](#)

## Important Judgment

### Insurance

#### The Court of Appeal Removes Legal Persons from an Insured's Household!

In an important recent decision, the Court of Appeal has declared that legal persons are not members of an insured's household. The Court, presided by the Honourable Judge Louise Mailhot, J.C.A., unanimously rejected the 1997 ruling of the Superior Court in *Simcoe Érié, Compagnie d'Assurances Générales v. Garage J. Aimé Tremblay inc.* which held that a legal person could be a member of an insured's household. In *Tremblay*, the Superior Court concluded that a legal person whose sole shareholder and director was the same person as the insured individual should be considered a household member within the meaning of Article 2474 C.C.Q. [Complete Text](#)

### Municipal

#### The new municipal assessment rolls: will you be paying too much in the future?

The first assessment roll for the new City of **Montréal** was deposited on September 12, 2003. The values entered on this assessment roll reflect market conditions as at July 1, 2002 and will serve as the basis for the municipal and school taxes to be imposed in 2004, 2005 and 2006. Several other Québec municipalities have also deposited their 2004-2005-2006 three-year assessment rolls.

Save certain exceptions, a taxpayer has until **April 30, 2004** to contest the value entered on the assessment roll for his property or place of business. If an application for review is not filed within that deadline, the value entered on the roll will be maintained for at least the three-year period of applicability of the roll.

By [Me Vincent Piazza](#) [Complete text](#)

## Highlights

### Corporate Financing

On September 29, 2003, **Bio Angel I Corporation** filed a final prospectus with the Québec, Ontario, Alberta and British Columbia securities commissions for a public offering of up to \$1,500,000 of common shares. The offering was carried out within the scope of the capital pool company program implemented by the **TSX Venture Exchange**. The prospectus was prepared by [Me Claude Désy](#) and [Me Michel G. Beaudin](#).

### Accomplishment

On September 22, 2003, **Federation CJA** awarded [Me Ralph Lipper](#) the Distinguished Leadership Award for his extraordinary leadership and his contribution to the enhancement, enrichment and continuity of Jewish life. [Complete text](#)

### Web Site Launched

**De Grandpré Chait** is pleased to announce the launch of its new web site. You can access it using the same address at [www.dgclex.com](http://www.dgclex.com).



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