Chamber of Commerce and Canadian Federation of Independent Business intervention in the R v. Comeau matter before the Supreme Court Of Canada

Borden Ladner Gervais LLP ("BLG") has been retained by The Canadian Chamber of Commerce (the "Chamber") and the Canadian Federation of Independent Businesses ("CFIB"), to represent them as an intervenor before the Supreme Court of Canada ("SCC") in the matter of *R v Comeau*.

Gérard Comeau will be asking the Supreme Court of Canada to revisit a precedent from 1921 that narrowly interpreted a free trade provision in the Canadian constitution.

On October 6, 2012, Mr. Comeau — a resident of New Brunswick — travelled to Québec and purchased 15 cases of beer and three bottles of liquor for his personal consumption. As he was driving back to New Brunswick, the RCMP stopped his car, seized his alcohol, and ticketed him. The *Liquor Control Act* of New Brunswick prohibits individuals from purchasing and transporting more than twelve pints of beer from another province into New Brunswick.

Mr. Comeau challenged the ticket and the prohibitions under the *Liquor Control Act*. At trial before the New Brunswick Provincial Court, Mr. Comeau argued that the provisions of the New Brunswick's *Liquor Control Act*, are contrary to section 121 of the *Constitution Act,* 1867, which provides, "All articles of the Growth, Produce, or Manufacture of any one of the Provinces shall, from and after the Union, be admitted free into each of the other Provinces."

The New Brunswick Provincial Court agreed with Mr. Comeau and cast doubt on *Gold Seal*, a decision of the Supreme Court from 1921 that had narrowly interpreted s. 121 of the *Constitution Act, 1867* as only prohibiting provinces from imposing tariffs and duties on interprovincial trade.

The Chamber and the CFIB were given permission by the Court to present their position on this issue at the hearing in Ottawa that took place on December 6 and 7, 2017.

BLG represented The Chamber and the CFIB with a team that included Christopher Bredt and Ewa Krajewska.

For more information, please contact:

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