

# CLASS ACTION TRIAL DECISIONS IN CANADA

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Alberta - Trial Decisions			
Case	Summary of Case	Outcome at Trial	Appeal(s)
1 <i>Lloyd v. Imperial Oil Limited</i> , 2008 ABQB 379 (CanLII)	A representative action brought on behalf of a class of former employees challenging an amendment to their pension plan.	The trial judge dismissed the action.	There is no reported appeal from the trial decision in this matter.

British Columbia - Trial Decisions			
Case	Summary of Case	Outcome at Trial	Appeal(s)
1 <i>Barbour v. University of British Columbia</i> , (2009) 94 B.C.L.R. (4th) 139 (B.C. S.C.), rev'd 316 D.L.R. (4th) 354 (C.A.), leave to appeal to S.C.C. refused (June 24, 2010)	An action alleging that revenues collected by the University of British Columbia pursuant to its Parking Regulations were collected unlawfully since the Regulations were <i>ultra vires</i> the university's delegated legislative authority.	The trial judge found in favour of the plaintiffs and held that the class members were entitled to restitution with respect to monies class members paid pursuant to the University's Parking Regulations.	The decision was reversed on appeal following the BC Legislature's enactment of amendments to the University Act that resulted in universities being allowed to collect fines from parking violations. An application for leave to appeal to the Supreme Court of Canada was dismissed.

2	<p><b><i>Bennett v. British Columbia</i></b> [2009], B.C.J. No. 1995 (B.C.S.C.).</p>	<p>An action brought on behalf of a group of retired members of the British Columbia Sector Pension Plan. The claim alleged breach of fiduciary duty and breach of contract with respect to an alleged unilateral change in pension benefits.</p>	<p>The trial judge dismissed the action.</p>	<p>The Plaintiff's appeal to the BC Court of Appeal was dismissed. 2012 BCCA 115</p>
3	<p><b><i>Lieberman v. Business Development Bank of Canada</i></b>, (2009) B.C.W.L.D. 8269 (B.C. S.C.).</p>	<p>An action by a class of retired Business Development Bank of Canada employees. The common issues trial concerned amendments to and the administration of the Bank's Pension Plan which the plaintiffs claimed were made to the detriment of retired employees and for the benefit of the Bank and its current employees. The plaintiffs claimed the Bank breached its fiduciary duty to class members.</p>	<p>While the plaintiffs were partially successful in challenging certain amendments to the Plan entitling the Business Development Bank of Canada to surplus during the operation of the Plan and in requiring the repayment of certain expenses to the Plan. The Judge found that the BDC had not breached its fiduciary duty to retirees. Furthermore, the Judge did not find that payment of expenses related to the administration of the Plan out of the Fund constituted a breach of fiduciary duty.</p>	<p>There is no reported appeal from the trial decision in this matter.</p>

4	<p><b>Payne v. Eagle Ridge Pontiac GMC Ltd.</b>, 2009 BCSC 530 (CanLII)</p>	<p>An action brought against Eagle Ridge Pontiac GMC Ltd. for negligent misrepresentations made with regard to the legitimacy of the "Cashable Voucher Program" and the entity offering the voucher program.</p>	<p>The Court held that Eagle Ridge Pontiac GMC Ltd. was liable for negligent misrepresentation. Damages were assessed as the difference between the price each class member paid the defendant when they purchased the vehicle and the market value of such a vehicle at that date.</p>	<p>In August 2010, the BC Court of Appeal determined that eligibility to claim damages by individual class members is to be ascertained through responses in affidavit form. Class members had until March 15, 2011 to confirm intention to participate in assessment of damages.</p>
5	<p><b>Withler et al v. Canada (Attorney General)</b>, (2006) 51 C.C.P.B. 19 (B.C. S.C.), aff'd 302 D.L.R. (4th) 193 (C.A.), leave to appeal to S.C.C. granted, aff'd 2011 SCC 12, J.E. 2011-461 (S.C.C.)</p>	<p>An action challenging the constitutionality of federal legislation that decreased the amount payable to surviving families of federal servants and members of the Canadian Forces through a supplementary death benefit by 10% for every year the deceased was in excess of 65 years or 60 years.</p>	<p>The trial judge held that the requirements to prove discrimination under s.15 of the Charter were not met and ruled in favour of the defendants.</p>	<p>The BC Court of Appeal dismissed the plaintiff's appeal. Leave to appeal was granted by the SCC, however, the SCC dismissed the appeal on March 4, 2011. The SCC found that s. 15 of the Charter was not violated.</p>
6	<p><b>Sharbern Holding Inc. v. Vancouver Airport Centre Ltd.</b>, (2007) 38 B.L.R. (4th) 171 (B.C. S.C), rev'd 93 B.C.L.R. (4th) 256, 57 B.L.R. (4th) 1 (C.A.), leave to appeal to SCC granted (Dec. 17, 2009)</p>	<p>An action by owners of units in a Vancouver Airport hotel project. The plaintiffs alleged the defendant developers misrepresented projected financial returns and the conflict of interest that arose from its management of two other hotels at the airport.</p>	<p>The plaintiffs were partially successful as the trial judge held that while the defendant had not negligently misrepresented the financial projections, it had breached its fiduciary duties to class members in misrepresenting its conflict of interest.</p>	<p>The British Columbia Court of Appeal allowed the defendant's appeal, holding that there was insufficient evidence to show that the defendant's conflict of interest resulted in a diversion of business from the plaintiff's hotel to the other airport hotels. Leave to appeal to the Supreme Court of Canada was granted. The appeal was heard in October of 2010. The Supreme Court of Canada released its decision on May 11, 2011, dismissing the plaintiff's appeal.</p>

7	<p><b>Kotai v. Queen of the North (Ship)</b>, (2009) 70 C.C.L.T. (3d) 221 (B.C. S.C), additional reasons in 70 C.C.L.T. (3d) 286 (B.C. S.C.); 2009 BCSC 1405</p>	<p>An action brought in response to the sinking of the ferry boat "Queen of the North" off the coast of British Columbia. By the time the trial occurred, all of the common issues had been resolved except for the issue of damages. The Court held six mini-trials to assess the claims of various class members in an attempt to assist the parties in settling outstanding damage claims.</p>	<p>The trial judge assessed the damage claim of various class members. After the release of the decision, the action was settled. The settlement provided that those that were "upset" were given compensation of \$500 while those that may have had actual compensable claims were given between \$1,000 - \$25,000.</p>	<p>The action was settled before any appeals.</p>
8	<p><b>Reid v. British Columbia (Egg Marketing Board)</b>, (2007) 45 C.C.L.T. (3d) 264, 2007 BCSC 155 (B.C. S.C.).</p>	<p>An action by organic egg producers and graders, which alleged that the defendant B.C. Egg Marketing Board acted in abuse of its public office and intentionally interfered with the plaintiffs' economic interests. The claim alleged that the Egg Board insisted the organic producers comply with regulatory schemes meant for normal egg producers and acted to</p>	<p>The trial judge dismissed the action.</p>	<p>There was no appeal from the trial decision in this matter.</p>

### Manitoba - Trial Decisions

	Case	Summary of Case	Outcome at Trial	Appeal(s)
1	<p><b>Dinney v. Great West Life</b>, (2000) 25 C.C.P.B. 245 (MBQB), aff'd 252 D.L.R. (4th) 660 (C.A).*</p> <p><b>Dinney v. Great West Life</b>, (2006) 56 C.C.P.B. 266 (MBQB), rev'd 448 W.A.C. 299 (C.A.), leave to appeal to S.C.C. refused 403 N.R. 396 (Dec. 17, 2009).</p> <p>*This representative action was started in 2000, before Manitoba enacted its Class Proceedings Act.</p>	<p>An action brought by former employees of Great-West Life in respect of their entitlements under the Great-West Life pension plan. A second trial was heard in 2006 to determine how damages should be assessed.</p>	<p>At the first trial decision in 2000 the court held in favour of the plaintiff. At the second trial, the trial judge determined the appropriate method with which to assess damages.</p>	<p>The Court of Appeal dismissed Great-West Life's appeal of the first judgment in 2005. The defendants appealed and the plaintiff cross-appealed the second judgment in 2009. The Court of Appeal overturned the 2006 trial judgment and ordered that a new formula be approved for calculating pension increments. Leave to Appeal to the Supreme Court was dismissed.</p>

## New Brunswick - Trial Decisions

There have been no trial decisions in New Brunswick

## Newfoundland & Labrador - Trial Decisions

There have been no trial decisions in Newfoundland & Labrador

## Nova Scotia - Trial Decisions

There have been no trial decisions in Nova Scotia

## Ontario - Trial Decisions

	Case	Summary of Case	Outcome at Trial	Appeal(s)
1	<b>Windisman v. Toronto College Park Ltd.</b> (1996) 1 R.P.R. (3d) 119 (Ont. Gen. Div.).	An action involving claims of approximately 600 residential condominium owners to statutory interest on deposit money.	The class members won a judgment of approximately \$1.5 million.	There were no appeals from the trial decision in this matter.
2	<b>Simpson v. Ontario</b> (1997) 36 O.T.C. 109 (Ont. Gen Div.), aff'd 118 O.A.C. 201 (C.A.)	An action involving allegations of breached employment contracts with senior government employees.	The trial judge dismissed the action.	The result was upheld by the Court of Appeal.
3	<b>Peppiatt v. Nicol</b> (1998) 71 O.T.C. 321 (Ont. Gen Div.), aff'd 148 O.A.C. 105 (C.A.).	An action by members/investors in a private golf club alleging breach of contract and fiduciary duty.	The class members won a judgment for the return of their initial investment valued at approximately \$6 million and punitive damages of \$845,000.	The result was upheld by the Court of Appeal.

4	<p><b>Bywater v. Toronto Transit Commission</b> (2001) 27 C.P.C. (4th) 172 (Ont S.C.J.).</p>	<p>An action alleging adverse impacts to subway passengers as a result of a fire in a Toronto subway tunnel.</p>	<p>This is an example of a trial of common issues which did not resolve the entirety of the case, or even the liability component. The trial Judge made findings pertaining to facts which were important ingredients of each class members' claims.</p>	<p>There were no appeals from the trial decision in this matter.</p>
5	<p><b>Hislop v. Canada</b> (2003) 234 D.L.R. (4th) 465 (Ont. S.C.J.), rev'd 246 D.L.R. (4th) 644 (C.A.), aff'd 278 D.L.R. (4th) 385 (S.C.C.)</p>	<p>An action involving a constitutional challenge to statutory limitations on the rights of same-sex couples to certain Canada Pension Plan benefits.</p>	<p>The plaintiffs were successful at trial. The trial judge held that the exclusionary provisions of the Canada Pension Plan were struck down and class members were granted a constitutional exemption to benefits. The trial judgment was valued at over \$50 million.</p>	<p>The Court of Appeal set aside the constitutional exemption awarded by the trial judge but upheld the declaration of invalidity in respect of certain sections of the CPP. The Supreme Court of Canada upheld the decision of the Court of Appeal.</p>
6	<p><b>Kerr v. Danier Leather</b> (2004) 46 B.L.R. (3d) 167 (Ont. S.C.J.), rev'd (2005) 261 D.L.R. (4th) 400 (C.A.), additional reasons at 20 B.L.R. (4th) 1, aff'd at 286 D.L.R. (4th) 601 (S.C.C.).</p>	<p>An action by a class of shareholders alleging a breach of the prospectus misrepresentation provisions of the <i>Securities Act</i> and other claims at common law.</p>	<p>The class was successful at trial and a substantial monetary judgment of approximately \$14 million was granted.</p>	<p>The decision was overturned at the Court of Appeal. The Court of Appeal's decision was upheld at the Supreme Court of Canada.</p>

7	<p><b>Sutherland v. Hudson's Bay Company</b> (2007) 60 C.C.E.L. (3d) 64 (Ont. S.C.J.); (2011 ONCA 606)</p>	<p>An action by pension plan members challenging certain governance actions and plan amendments made in respect of company pensions.</p>	<p>The trial judge dismissed the action.</p>	<p>An appeal was filed and notwithstanding the trial result, a significant monetary settlement of approximately \$13 million was achieved prior to the argument of the appeal. HBC pursued a cross-appeal notwithstanding the settlement. The Ontario Court of Appeal dismissed HBC's cross-appeal from the trial decision which held that it was neither a beneficiary of the pension plan nor was it entitled to any surplus assets.</p>
8	<p><b>Denis v. Bertrand &amp; Frère Construction Co.</b> O.J. No. 1284 (S.C.J.).</p>	<p>An action by a class of homeowners pertaining to defective house foundations.</p>	<p>The plaintiffs were successful at trial. Specific amounts were ordered payable to each class member on account of general damages, itemized amounts payable for each year since the action was filed and amounts for stress and inconvenience.</p>	<p>There were no appeals from the trial decision in this matter.</p>
9	<p><b>Ruffolo v. Sun Life Assurance Co. of Canada</b> (2008) 90 O.R. (3rd) 59 (Ont. S.C.J.), aff'd 68 C.P.C. (6th) 322 (C.A.), leave to appeal to S.C.C. refused 33813 (September 24, 2009).</p>	<p>An action brought under the CPA alleging improper deductions from LTD insurance payments. The parties elected not to contest certification and agreed to conduct a form of test case on the issues raised in the lawsuit.</p>	<p>The trial judge dismissed the action and a substantial costs award was made in favour of the defendant. The plaintiff had received an indemnity against adverse costs from the Ontario Class Proceedings Fund.</p>	<p>The decision was upheld by the Court of Appeal and leave to the Supreme Court of Canada was refused.</p>

10	<b>Smith v. Money Mart</b> (2007) See (2010) CarswellOnt 1238 (Ont. S.C.J.) for settlement approval reasons.	An action alleging usurious interest rates on payday loans.	After 17 days of trial, the parties agreed to attempt to mediate a settlement before Retired Supreme Court Justice Iacobucci. An agreement was reached which was estimated to provide over \$100 million in value to class members.	
11	<b>Smith v. Inco</b> , (2010), 52 C.E.L.R. (3d) 74 (Ont. S.C.J.); 2011 ONCA 628 (C.A.).	An action which arises out of the alleged environmental contamination in Port Colborne, Ontario. It is alleged that the nickel contaminated properties in the Port Colborne area and that disclosures to the public of this contamination negatively affected property values.	The plaintiffs were successful at trial and were granted an aggregate damage award of \$36 million.	The defendants appealed the trial decision. The Appeal was heard May 9-13, 2011. The Ontario Court of Appeal allowed the appeal and dismissed the action. \$100,000 in costs was awarded to Inco.
12	<b>Jeffery v. London Life et al; McKittrick v. Great-West Life et al.</b> (2010), 74 B.L.R. (4 <sup>th</sup> ) 83 (Ont. S.C.J.); 2011 ONCA 683 (C.A.).	Two companion class actions challenged the legality and governance review of virtually identical financing transactions undertaken within each of the two life insurers in 1997 in connection with the Great-West Life acquisition of London Insurance Group.	The plaintiffs were successful at trial. The trial judge held that the transactions violated the <i>Insurance Companies Act</i> and awarded class members approximately \$400 million.	The defendants appealed the trial decision. The Appeal was heard June 6-8, 2011. The appeal was allowed in part, while the bulk of the trial outcome was upheld.
13	<b>Andersen v. St. Jude Medical Inc.</b> , 2012 ONSC 3660	An action on behalf of a class of persons implanted with allegedly defective heart valves.	The trial judge dismissed the action.	

14	<p><b>Berry v. Pulley</b> (See 2001 CanLII 28228 (ON S.C.) for the certification decision); 2011 ONSC 3135 (ON S.C.) for the settlement.</p>	<p>An action which arises out of a dispute between former members of the Canadian Airline Pilots Association.</p>	<p>The trial of this matter began on March 16, 2011 and finished on June 2, 2011. The trial decision is under reserve. During the trial, a settlement was reached with one of seven subclasses of defendants, which was approved by Ontario Superior Court of Justice.</p>	<p>The trial decision is under reserve.</p>
15	<p><b>Burke v. Hudson's Bay Company</b> (2005) 51 C.C.P.B. 66 (Ont. S.C.J.), additional reasons in 26 E.T.R. (3d) 142, rev'd 67 C.C.P.B. 1, 40 E.T.R. (3d) 157 (C.A.), aff'd at 324 D.L.R. (4th) 498 (S.C.C.).</p>	<p>An action in which the plaintiff class claimed a pro-rata entitlement to a surplus that was present in their HBC pension plan. The plaintiffs also claimed recovery of administrative costs that were charged to the pension plan.</p>	<p>At trial the judge held in favour of the plaintiffs finding that HBC was entitled to pay some expenses out of the pension plan fund, but that the employees had a reasonable expectation to benefit enhancements from the surplus.</p>	<p>The decision was reversed at the Court of Appeal on the basis that the trust agreements which incorporated the pension plan texts did not give any right or interest in the surplus to the employees. The Supreme Court dismissed the plaintiff's appeal.</p>
16	<p><b>Horti-Pak Inc. v. Nikko Materials U.S.A. Inc. (2009) ONSC 43188 (CanLII).</b></p>	<p>An action in which the class consisted of residents of a community that evacuated their homes in response to a three day long fire at Horti-Pak's plastic container manufacturing plant.</p>	<p>The class action settled following a settlement conference which took place during the trial. The organic farmer, greenhouse operator and residents that comprised the class were paid a total of \$800,000. Each person evacuated during the fire was able to claim up to \$700.</p>	
17	<p><b>Richard Mandeville, et al v. The Manufacturers Life Insurance Company - trial in progress</b></p>	<p>An action in which the class consisted of individuals who owned participating policies of life insurance issued by or assumed by the Barbados Branch of Manulife, whose ownership rights were terminated upon demutualization of the parent company.</p>	<p>The trial began on March 5, 2012, and at the time this paper was submitted the trial was still underway.</p>	

Quebec - Trial Decisions<sup>1</sup>

	Case	Summary of Case	Outcome at Trial	Appeal(s)
1	<b>Feinberg c. L'Une et l'Autre inc.</b> (1983) J.E. 83-1148.	An action was brought on behalf of female members of the club "L'une et L'autre".	The Plaintiffs were successful at trial. The Defendant was ordered to pay the amount of \$13,829.45.	There is no reported appeal from the trial decision in this matter.
2	<b>Nault c. Jarmark</b> (6 novembre 1981)	An action was brought on behalf of consumers who purchased electronic game consoles from newspaper ads.	The Plaintiffs were successful at trial.	There is no reported appeal from the trial decision in this matter.
3	<b>Plouffe c. Câblevision nationale Itée</b> , [1982] C.S. 257.	An action was brought against a cable company for advance payments made by customers for cable services that were interrupted in January of 1979.	The Plaintiffs were successful at trial. 47,764 class members were awarded \$20,219.80.	There is no reported appeal from the trial decision in this matter.
4	<b>Clouatre c. Bromont (Ville de)</b> (1983) J.E. 83-570 (C.S.).	An action was brought by homeowners living in Bromont against the Town of Bormont for not abiding by its promise not to raise taxes.	The Plaintiffs were successful at trial. The Defendant was ordered to pay homeowners for additional taxes paid.	There is no reported appeal from the trial decision in this matter.
5	<b>Comartin c. Bordet</b> , [1984] C.S. 584.	An action was brought by 95 Canadian tourists who booked an all-inclusive trip from Montreal to Acapulco and arrived to find that they did not have a hotel to stay in because it had been overbooked. The action was brought against the travel company who arranged the trip.	The Plaintiffs were successful at trial. The Defendant was ordered to pay a total of \$50,000 in damages.	There is no reported appeal from the trial decision in this matter.
6	<b>Jobin c. Giguère</b> [1985] J.Q. no 110.	* Unable to locate reasons for judgment		There is no reported appeal from the trial decision in this matter.
7	<b>Comète c. Association de bienfaisance et de retraite des policiers de la Communauté urbaine de Montréal</b> (1985) J.E. 89-1061; affirmed in [1989] R.L. 416 (C.A.).	An action was brought on behalf of all widows of deceased police officers in Montreal who had reduced benefit payments.	The trial judge dismissed the action.	The Court of Appeal dismissed the appeal.

8	<b>Tremblay c. Régie des assurances agricoles du Québec</b> (1986) J.E. 89-1061;	An action was brought on behalf of veal producers seeking additional compensation above and beyond what	The trial judge dismissed the action.	The Court of Appeal dismissed the appeal.
9	<b>Desmeules c. Hydro-Québec</b> , [1990] R.J.Q. 2298 (C.S.).	An action was brought by non-permanent employees of Hydro-Quebec for benefits.	The trial judge dismissed the action.	There is no reported appeal from the trial decision in this matter.
10	<b>Côté c. Informatique Vidéotron ltée</b> (1988) J.E. 91-1368	An action was brought on behalf of subscribers to Pay TV who lost a decoder required to unscramble incoming signals and had to pay an additional \$200 to the defendant.	The Plaintiff was successful at trial. The Court of Appeal reversed the decision.	Reversed in [1992] R.L. 48 (C.A.).
11	<b>Bolduc c. Commission scolaire de Ste-Foy</b> (1988) J.E. 89-345 (C.S.).	An action was brought by residents living in the territory of a certain school board who had levied a special tax on them and who had misused taxes paid.	The Plaintiff was successful at trial. The special tax was cancelled and other taxes were repaid.	There is no reported appeal from the trial decision in this matter.
12	<b>Robert Dagenais c. Centre local de services communautaires Kateri</b> , [1988] R.J.Q. 2505 (C.S.)	An action was brought on behalf of all individuals who had paid for household maintenance services from a government-sponsored community organisation. It was the position of the plaintiffs that it should be illegal to charge money for necessary social services.	The trial judge dismissed the action.	Appeal denied in [1992] R.L. 395 (C.A.)
13	<b>Dinelle c. Université de Montréal</b> (1989) J.E. 90-76, D.T.E. 90T-21 (C.S.).	An action was brought on behalf of 191 part-time employees who had worked in the sports and recreation department of the University of Montreal and who lost their employment when the program was shut down. The employees sought	The Plaintiffs were successful at trial. The trial judge awarded the Plaintiffs \$25,828.66.	There is no reported appeal from the trial decision in this matter.

14	<b>Curateur public c. Syndicat national des employés de l'hôpital St-Ferdinand</b> , [1990] R.J.Q. 359 (C.S.); [1994] R.J.Q. 2761 (C.A.) ; [1996] 3 R.C.S. 211.	An action was brought by patients of a hospital for the mentally handicapped who were left unattended when the staff at the hospital went on an illegal strike for more than one month. The class sought damages for violation of their rights under the Charter.	The Plaintiffs were successful at trial. The judge ordered the Defendants to pay the sum of \$1,750 as compensatory damages to each member of the group covered by the class action, with the exception of the patients in the transit unit and the medical-surgical unit.	Appeal denied at Court of Appeal, but cross-appeal allowed. The Defendants were ordered to pay the sum of \$200,000 to the patients of the Hospital as exemplary damages. Appeal denied by SCC in 202 N.R. 321.
15	<b>Robitaille c. Constructions Désourdy inc.</b> (1991), (C.S.)	An action was brought by the citizens of Bromont for the damages they incurred through the illegal exploitation of a sandpit in their town.	The Plaintiffs were successful at trial.	Appeal denied in J.E. 98-543, [1998] R.R.A. 229 (C.A.).
16	<b>Viau c. Syndicat canadien de la fonction publique</b> [1991] R.R.A. 740 (C.S.).	An action was brought by individuals who used the Montreal public transportation system, which had been suspended during an illegal strike.	The Plaintiffs were successful at trial and the trial judge ordered that the Defendant pay \$1,000,000.00 in damages.	There is no reported appeal from the trial decision in this matter.
17	<b>Gosselin c. Québec (Procureur général)</b> , [1992] R.J.Q. 1647 (C.S.).	An action was brought on behalf of all Quebec citizens under the age of 30 who were denied full social assistance benefits. The Plaintiff alleged violations of rights under the Charter.	The trial judge dismissed the action.	Affirmed in [1999] R.J.Q. 1033 (C.A.); affirmed in [2002] 4 S.C.R. 429
18	<b>Villeneuve c. Québec (Procureur général)</b> [1993] J.Q. no 554. (C.A.)	An action was brought on behalf of general practitioner doctors who were working as specialists but who did not have specialist privileges at the hospitals in which they worked.	The trial judge dismissed the action.	Affirmed in (1998) J.E. 98-200, REJB 1998-04231
19	<b>Lambert c. Minerve Canada</b> , [1993] R.J.Q. 2840 (C.S.).	An action was brought on behalf of individuals who had purchased an all-inclusive vacation but whose flight left a day late. They sought their expenses for having to stay at the airport hotel as well as other damages.	The trial judge dismissed the action. The Court of Appeal reversed the lower court's decision and ordered the Defendants to pay damages.	Appeal allowed in [1998] R.J.Q. 1740 (C.A.).

20	<b>Joyal c. Élite Tours inc.</b> , [1993] R.J.Q. 1143 (C.S.).	An action was brought on behalf of individuals who had booked vacations through the defendants and whose flights were rescheduled and rerouted to Brussels instead of Paris without their consent.	The Plaintiff was successful at trial and the Defendants were ordered to pay damages.	There is no reported appeal from the trial decision in this matter.
21	<b>Châteauneuf c. T.S.C.O. of Canada Ltd.</b> , [1993] R.J.Q. 2663 (C.S.)	An action was brought on behalf of employees of a company that went bankrupt and subsequently terminated their pension plans.	The Plaintiff was successful at trial. The company was ordered to reimburse employees out of the surplus funds.	Appeal denied in [1995] R.J.Q. 637 (C.A.).
22	<b>Association coopérative d'économie familiale (A.C.E.F.) du centre de Montréal c. 120984 Canada Inc. (Promotions Cinémode)</b> (1993)(C.S.).	* Unable to locate reasons for judgment		There is no reported appeal from the trial decision in this matter.
23	<b>Lasalle c. Le Marier</b> [1994] R.R.A. 612 (rés.) (C.S.).	An action was brought on behalf of prisoners who were tortured by prison guards when a riot broke out in a jail.	The Plaintiff was successful at trial.	There is no reported appeal from the trial decision in this matter.
24	<b>Château c. Placements Germarich inc.</b> , J.E. 94-1205 (C.S.).	An action was brought by members of an association who retained the services of a taxi company and did not want to pay increased rates.	The trial judge dismissed the action.	Appeal denied in (1997) J.E. 97-1254
25	<b>A.C.E.F. Sud-Ouest de Montréal c. Arrangements alternatifs de crédit du Québec inc.</b> , [1994] R.J.Q. 114 (C.S.).	An action was brought on behalf of all Quebec consumers who entered into credit contracts with the Defendant. The Plaintiff alleged that the class members were fraudulently induced to enter illegitimate credit arrangements.	The Plaintiff was successful at trial. The trial judge ordered that the contracts were rescinded and the class members were awarded damages.	There is no reported appeal from the trial decision in this matter.
26	<b>Pearl c. Investissements Contempra</b> , [1995] R.J.Q. 2697 (C.S.).	An action was brought on behalf of all owners and or drivers who had their cars towed by the Defendant without their consent and therefore incurred damages consisting of towing and storage fees.	The Plaintiff was successful in part. The Defendant was ordered to pay damages for certain costs incurred by class members.	There is no reported appeal from the trial decision in this matter.

27	<b>Jolicœur c. 2963-7634 Québec inc.</b> (1996), J.E. 97-229 (C.S).	An action was brought by individuals who had purchased all-inclusive trips from the Defendants and whose flights were delayed by 2 days on a return trip to Venezuela.	The Plaintiff was successful at trial. The Defendants were ordered to pay general and punitive damages to the class.	There is no reported appeal from the trial decision in this matter.
28	<b>Fortier c. Entreprises Dorette Va/Go Inc.</b> (1997) 1997 CarswellQue 4230	An action was brought by individuals who had purchased all-inclusive trips from the Defendant and who were not able to stay in the resort that they had booked because no rooms were available.	The Plaintiff was successful in part. The Defendant was ordered to pay damages in the amount of \$250 per person.	There is no reported appeal from the trial decision in this matter.
29	<b>Duverger-Villeneuve c. Agence de voyages les Tours Corail inc.</b> (1997)1997 CarswellQue 4161	An action was brought on behalf of individuals who were scheduled to travel on a flight to France that was inexplicably cancelled. The class sought compensatory damages.	The Plaintiff was successful at trial. The Defendant was ordered to pay \$382,750 in general damages.	There is no reported appeal from the trial decision in this matter.
30	<b>Masson c. Thompson</b> , [1997] R.J.Q. 634 (C.S.).	An action was brought on behalf of employees of the Defendant for unpaid wages and benefits.	The Plaintiff was successful at trial.	Affirmed in [2000] R.J.D.T. 1548 (C.A.).
31	<b>Lessard c. Commission scolaire des Mille-Îles</b> (1997) J.E. 97-1630	An action was brought on behalf of parents of children attending schools in the Defendant school board's region who were not provided public transportation to and from school.	The trial judge dismissed the action.	Appeal allowed in part in (2002) J.E. 2002 - 123 (C.A.)
32	<b>Lacroix Perron c. Entreprises Dorette Va/Go inc.</b> (1997) REJB 1997-04183	An action was brought by individuals who had purchased travel packages through the Defendant.	The Plaintiff was successful at trial.	There is no reported appeal from the trial decision in this matter.
33	<b>Bouchard c. Entreprises Dorette Va/Go inc.</b> , [1997] R.J.Q. 2579 (C.S.).	An action was brought by individuals who had purchased travel packages through the Defendant and whose flight dates were changed without their consent.	The Plaintiff was successful at trial. The Defendant was ordered to pay general and punitive damages.	There is no reported appeal from the trial decision in this matter.

34	<b>Carruthers c. Paquette</b> (1998)J.E. 98-961	An action was brought on behalf of individuals who had had wheel locks placed on the tires of their vehicles when they contravened parking laws in the City of Montreal.	The trial judge dismissed the action.	Appeals denied.
35	<b>Ouimette c. Canada (Procureur général)</b> , [2000] R.J.Q. 1459 (C.S.)	An action was brought by individuals resident on the banks of Lake Temiscamingue against the government for maintaining too high of water levels and allowing the erosion of soil.	The trial judge dismissed the action.	Appeal denied in J.E. 2002-855, REJB 2002-31502 (C.A.); 313 N.R. 192
36	<b>Doyon c. Fédération des producteurs acéricoles du Québec</b> (2000) J.E. 2000-428, REJB 2000-17006	An action was brought in respect of marketing maple syrup.	The Plaintiff was successful at trial.	Appeal denied in [2001] R.J.Q. 827 (C.A.) ; 282 N.R. 399
37	<b>Roberge c. Sherbrooke (Ville de)</b> (2001) J.E. 2001-2218, REJB 2001-27416	An action was brought on behalf of real estate developers against the City of Sherbrooke for the gases being released from solid waste facilities.	The trial judge dismissed the action.	Appeal allowed in part in J.E. 2004-1862
38	<b>Dikranian c. Québec (Procureure générale)</b> (2001) J.E. 2002-752, REJB 2001-31383	An action was brought on behalf of students who had received loans and bursaries from the Ministry of Education and who were liable to pay interest at the end of their studies.	The trial judge dismissed the action.	Appeal denied in 2009 QCCA 1014
39	<b>Bergeron c. Sogidès Itée</b> (2002) J.E. 2002-624 (C.S.)	An action was brought in respect of royalties owed under publishing contracts.	The trial judge dismissed the action.	There is no reported appeal from the trial decision in this matter.
40	<b>Association provinciale des retraités d'Hydro-Québec c. Hydro-Québec (2002)</b>	An action was brought on behalf of employees of the Defendant following an amendment of their pension plan which reduced employer contributions.	The trial judge dismissed the action.	Appeal denied in 2005 QCCA 304; 348 N.R. 193
41	<b>Girard c. 2944-7828 Québec inc.</b> , [2003] R.J.Q. 2237, R.R.A. 1209 (C.S.)	An action was brought in respect of materials deposited at Shipshaw in contravention of environmental standards.	The Plaintiff was successful at trial.	Appeal allowed in part. The apportionment of liability was changed.

42	<b>Binette c. Syndicat des chauffeurs et chauffeurs de la Corp. Métropolitaine de Sherbrooke, section locale 3434 (S.C.F.P.) (2004) J.E. 2004-952.</b>	An action was brought on behalf of individuals using the public bus system in Sherbrooke following a strike by the drivers that deprived class members of transportation.	The Plaintiff was successful at trial. The Defendant was ordered to pay \$99,700.00 in damages.	There is no reported appeal from the trial decision in this matter.
43	<b>Riendeau c. Compagnie de la Baie d'Hudson et P.G. Québec, (2004)</b>	An action was brought on behalf of individuals with a Hudson's Bay credit card against the Defendant for the interest payable on purchases made with these cards.	The Plaintiffs were successful at trial.	The Court of Appeal upheld the trial decision.
44	<b>Option Consommateurs c. Service aux marchands détaillants Itée (Household Finance) [2003] R.J.Q. 1603</b>	An action was brought by consumers who had purchased furniture from a certain retailer and entered under financing agreements where they were told they could pay at a later date, interest-free for one year. The plaintiffs alleged that the defendants had not disclosed that interest rates would run between 26.9% and 35.18% and that there would be a minimum monthly payment.	The Plaintiffs were successful at trial. The trial judge ordered the Defendant to reimburse the class members for the additional fees they were forced to pay as well as interest.	Affirmed in part by Court of Appeal J.E. 2006-2099. The Court of Appeal altered the class definition and ordered the defendants to pay additional amounts to class members.
45	<b>Deronvil c. Univers gestion Multi-Voyages inc. (2006) QCCS 3354</b>	An action was brought on behalf of all persons who bought airline tickets and were not included on their scheduled flights.	The Plaintiffs were successful at trial. The Defendant was ordered to pay each class member damages depending on their sub-class grouping.	There is no reported appeal from the trial decision in this matter.
46	<b>Malhab v. Diffusion Metromedia CMR Inc. (2006) QCCS 2124</b>	An action was brought by taxi drivers in Montreal after a radio station made defamatory remarks about the group.	The trial judge dismissed the action.	Reversed by 2008 QCCA 1938; Affirmed by (2011) SCC 9
47	<b>Comité d'environnement de Ville Émard (C.E.V.E.) c. Domfer Poudres Métalliques Itée [2006] R.R.A. 854</b>	An action was brought by residents of the town of Emard against a company operating 2 factories in the area, and causing nuisance and environmental damage in the area.	The trial judge dismissed the action. The Court of appeal reversed the lower court's decision and ordered the Defendant to indemnify the residents.	Reversed by Court of Appeal. Application for leave to appeal to SCC granted with costs. Notice of discontinuance filed August 31, 2007.

48	<b>Riendeau c. Brault &amp; Martineau</b> (2007) QCCS 4603; 2010 QCCA 366	An action was brought on behalf of a class of Quebec residents who had bought furniture from the defendant between a certain period of time and were told that they did not have to pay anything before a certain period of time and did not have to pay interest.	The Plaintiffs were successful at trial. The defendant was ordered to pay a sum of \$2million to the class members.	Trial decision upheld by Court of Appeal.
49	<b>Nadon v. Montréal (Ville)</b> (2007) QCCS 150	This action was brought on behalf of all persons residing in the former Montreal Urban Community who suffered from an allergy to ragweed. There were approximately 180,000 class members in this case.	The trial judge dismissed the action.	The Court of Appeal dismissed the appeal. A leave request to the Supreme Court of Canada was refused.
50	<b>Comité provincial des malades c. Regroupement des C.H.S.L.D. Christ-Roi (Centre hospitalier soins longue durée)</b> 2007 QCCA 1068	This action was brought by residents of long-term care centres who were not allowed to have their personal clothing washed without cost.	The Plaintiffs were successful. The trial judge found that the hospitals did have the responsibility to provide this service to their residents. The Defendants were ordered to pay class members the costs of having their clothing washed each month, up to a maximum of \$40 per month.	This case was appealed to the Quebec Court of Appeal and the decision was upheld but minor changes were made to the claims process.
51	<b>Coalition pour la protection de l'environnement du parc linéaire « Petit train du Nord » c. Laurentides (Municipalité régionale de comté)</b> 2007 QCCA 405	An action was brought on behalf of all residents living within 100 metres of a certain park due to nuisance caused by snowmobile traffic.	The Plaintiffs were successful at trial. The trial judge awarded \$1200 to each class member with interest and additional amounts depending on their length of time resident in the area.	Appeal denied.
52	<b>Yedid c. Blockbuster Canada Co.</b> 2007 QCCA 468	An action was brought against Blockbuster for their late fee program.	The trial judge dismissed the action.	Appeal denied.
53	<b>Barette c. Ciment du St.Laurent</b> 2008 SCC 64	An action was brought against a cement manufacturer for nuisance caused by its activities.	The Plaintiffs were successful at trial.	Appeals to Court of Appeal and Supreme Court of Canada. The Court of Appeal reduced the amount awarded to the Plaintiffs. The Supreme Court of Canada overturned the Court of Appeal and upheld the trial decision.

54	<b>Marcotte c. Banque de Montreal</b> (2009) QCCS 2764	Three related actions were brought against banks who issued credit cards by card holders who paid for goods or services in foreign currency. The plaintiffs alleged that the card issuers had charged a fee that was separate from amounts applied to conversion rates.	The Plaintiffs were successful at trial and the banks were ordered to pay over \$200 million in general and punitive damages.	The decision is currently under appeal. Quebec Court of Appeal granted leave to Attorney General of Canada to intervene on the appeal.
55	<b>Adams v. Amex Bank of Canada</b> (2009) QCCS 2695	Three related actions were brought against banks who issued credit cards by card holders who paid for goods or services in foreign currency. The plaintiffs alleged that the card issuers had charged a fee that was separate from amounts applied to conversion rates.	The Plaintiffs were successful at trial and the banks were ordered to pay over \$200 million in general and punitive damages.	The decision is currently under appeal. Quebec Court of Appeal granted leave to Attorney General of Canada to intervene on the appeal.
56	<b>Marcotte c. Federation des caisses Desjardins du Quebec</b> (2009) QCCS 2743	Three related actions were brought against banks who issued credit cards by card holders who paid for goods or services in foreign currency. The plaintiffs alleged that the card issuers had charged a fee that was separate from amounts applied to conversion rates.	The Plaintiffs were successful at trial and the banks were ordered to pay over \$200 million in general and punitive damages.	The decision is currently under appeal. The Quebec Court of appeal dismissed a request to the dismiss action.
57	<b>Myette c. Commission administrative des régimes de retraite et d'assurance</b> (2009) QCCS 5144; 2010 QCCS 4161	An action was commenced against the CARRA because they were refusing to pay class members their full pension benefits on the basis that fiscal rules did not allow them to.	The Plaintiffs were successful at trial. The held that CARRA was liable for providing erroneous information and granted the class members their shortfalls for the years preceding the judgment.	There is no reported appeal from the trial decision in this matter. The time for appeals has now expired.

58	<b>Allard c. Syndicat des professionnelles de soins de Québec</b> (2010) QCCS 1309	An action was commenced by the Nurses of Quebec against the Nurses of Quebec's trade union for a refund of union fees.	The Plaintiffs were successful. The trial judge ordered that the trade union repay union fees to class members, in different amounts depending on the number of hours they worked in a week during a certain period.	There is no reported appeal from the trial decision in this matter.
59	<b>Conseil pour la protection des malades c. Fédération des médecins spécialistes (Québec)</b> (2010) QCCS 6094	An action was brought against the Federation of Specialist Physicians by the Council for the Protection of Patients and patient class members for the specialists having organized three days equivalent to a strike and having incited their members to participate in it. As a result, many surgeries and consultations were	The Plaintiffs were successful at trial. The trial judge held that the Federation had to pay \$2.5 million in damages to the class.	Respondents were granted an extension in time for filing their brief to January 2012.
60	<b>Desagné c. Quebec (Ministre de l'Éducation, du Loisir &amp; Sport)</b> (2010) QCCS 4838	An action was commenced by a plaintiff representing a class of students in primary and secondary school who have dyslexia. The plaintiff alleged discrimination against students with dyslexia in certain school boards.	The plaintiff was successful at trial and the Defendants were ordered to provide accommodation and programming for the class. They were also ordered to pay exemplary damages of \$500,000.	There is no reported appeal from the trial decision in this matter.
61	<b>Brochu c. Quebec (Société des loteries)</b> (2010) QCCS 1138	An action was brought on behalf of individuals who had developed gambling addictions after using video lottery machines.	After 125 days of trial over the span of 14 months, the parties settled.	
62	<b>Spieser c. Gouvernement du Canada – decision in reserve</b>	An action was brought against the Attorney General of Canada and SNC Technologies on behalf of individuals residing in the municipality of Shannon who have been affected personally or materially by groundwater contamination from trichloroethylene (TCE).	The trial began Jan.10, 2011 and was completed in November of 2011, after more than 100 witnesses. The parties are awaiting a decision.	

63	<b>Letourneau c. JTI-MacDonald Corp., et al &amp; Conseil Quebecois sur le Tabac et la sante, et al. c. JTI-MacDonald Corp, et al. - trial in progress</b>	There are two actions representing different groups that are being tried together. One class is made up of current and former smokers with smoking-related ailments, while the second class is made up of current smokers who say they are unable to quit.	The trial began on March 12, 2012. The case claims \$27.25 billion in damages and is the largest civil suit in Canada's history to go to trial.	
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### Prince Edward Island - Trial Decisions

There have been no trial decisions in Prince Edward Island

### Saskatchewan - Trial Decisions

	<b>Case</b>	<b>Summary of Case</b>	<b>Outcome at Trial</b>	<b>Appeal(s)</b>
1	<b>May v. Saskatchewan</b> , (2010) C.E.B. & P.G.R. 8404 (S.K. Q.B.).	An action brought by Saskatchewan's public servants alleging that their pension plan entitled them to enhanced benefits and inflation protection based on representations made to them by the government. The plaintiff also claimed the government owed pension plan members a fiduciary duty.	The trial judge dismissed the action finding that the Government of Saskatchewan did not have a fiduciary duty to act in the best interest of class members. The court also held that there was no contractual term promising to adjust the pension plan for inflation or for adding additional health benefits as the plaintiffs' alleged.	There is no reported appeal from the trial decision in this matter.

**Federal - Trial Decisions**

	<b>Case</b>	<b>Summary of Case</b>	<b>Outcome at Trial</b>	<b>Appeal(s)</b>
1	<b><i>Harris v. R.</i>, 2001 FCT 1408</b>	An action brought by a Canadian taxpayer alleging breach of fiduciary duty to taxpayers in general and alleged preferential treatment for certain groups.	The plaintiff was not successful. The trial judge determined there was no preferential treatment and that the plaintiff did not establish a fiduciary obligation was owed by the Minister to taxpayers in general.	There is no reported appeal from the trial decision in this matter.

<sup>1</sup> Thanks to Sylvie Rodrigue and Randy Sutton of Ogilvy Renault for their assistance in respect of historical class action trial activity in Quebec