# Court of Queen's Bench of Alberta

**Citation: The Owners: Condominium Plan No 982 6403 v CPI Crown Properties International Corporation, 2017 ABQB 562**

**Date:** 20170920
**Docket:** 0303 05465
**Registry:** Edmonton



Between:

**The Owners: Condominium Plan No 982 6403**

Plaintiff/Respondent

- and -

**CPI Crown Properties International Corporation, CPI Crown Development Corporation, Camrose Crown Care Corporation, Pradip K. Misra Architect, A.D. Williams Engineering Inc, All Weather Windows Ltd, Arnie's Stucco Ltd, G.R. Byers and Assoc Ltd, Goldbar Mechanical Co Ltd, John Doe I, John Doe II and John Doe III**

Defendants/Applicants

- and -

**Finlay Masonry 1980 Ltd, Arnie's Stucco Ltd, Pradip K. Misra Architect, A.D. Williams Engineering Inc, All Weather Windows Ltd, CPI Crown Properties International Corporation, CPI Crown Developments Corporation, Camrose Crown Care Corporation**

Third Party

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**Reasons for Decision**
**of the**
**Honourable Madam Justice D.L. Shelley**

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**Nature of the Applications**

[1] The Applicants, Finlay Masonry 1980 Ltd, Arnie's Stucco Ltd, Pradip K. Misra Architect, and A.D. Williams Engineering Inc, are Defendants and/or Third Parties, applying for dismissal of the Action against them under r 4.31 of the *Alberta Rules of Court*, Alberta Reg. 124/2010, alleging inordinate delay. Alternatively, they also apply for an order requiring the Respondents to post security for costs if I do not dismiss the Action as against them.

**Background**

**Agreed Facts**

[2] The events which gave rise to this Action occurred in 1998 and 1999. The Statement of Claim was filed in March 2003 and Statements of Defence and Third Party Claims were filed between 2003 and 2004. Additional Statements of Defence, Third Party Notices, and Affidavits of Records were filed in 2007 and 2008.

[3] Finlay Masonry's foreman died in 2006. The principal of A.D. Williams died and the company ceased to exist sometime between 2006 and 2008.

[4] In 2009, the Plaintiff assigned its interest in this Action to the CPI Defendants (comprised of CPI Crown Properties, CPI Crown Care and Camrose Crown Care) under a Mary Carter settlement agreement.

[5] In March of 2010, the Plaintiff and the CPI Defendants concluded a settlement between them. The Settlement Agreement was amended in March 2010, and the CPI Defendants assumed conduct of the Action, as Plaintiff, after the Settlement Agreement was amended.

[6] In March and April of 2013 representatives of six of the Defendants/Third Parties were questioned. Of those, one party gave undertakings.

[7] In July 2013, Goldbar entered into a Pierringer Agreement, which was subsequently approved by this Court.

[8] On October 24, 2013, a writ was issued against the CPI Defendants in the amount of $663,298.52, now increased to approximately $800,000.00.

[9] On November 29, 2013, the CPI Defendants' project manager was questioned.

[10] On October 30, 2014, the Court granted an Order in relation to a litigation plan.

[11] On December 17, 2014, a mediation was conducted, but did not resolve the claims.

[12] Between December 2014 and May 2016, the CPI Defendants' counsel sent four letters, none of which materially advanced this action.

[13] On June 9, 2016, a second writ was registered against the CPI Defendants for $184,830.16.

[14] The day before this application was made, the Applicants were advised of the death of the Plaintiff's representative, Mr. Kerr, the Plaintiff's property manager during the relevant time. No information was provided to this Court concerning the date of his death.

**Additional Facts Asserted by the Respondents**

[15] In April of 2008, the CPI Defendants first attempted to reach a settlement with the Plaintiff.

[16] In February of 2011, the CPI Defendants attempted to organize a settlement conference.

[17] On August 29, 2011, the CPI Defendants attempted to schedule a case management meeting, but the first date that all counsel could attend was April 17, 2012.

[18] In June of 2012, the CPI Defendants served a supplementary Affidavit of Records.

[19] In August of 2012, the CPI Defendants served their expert report on all other parties. In September of 2013, the CPI Defendants sent written interrogatories to Arnie's Stucco.

[20] In October of 2014, the litigation plan was amended in contemplation of the scheduled December mediation.

[21] On May 18, 2016, the CPI Defendants sent correspondence aimed at scheduling questioning of its witnesses and establishing a new litigation plan.

[22] On August 10, 2016, the CPI Defendants circulated the new proposed litigation plan.

[23] On October 11, 2016, the CPI Defendants reached a tentative settlement with All Weather Windows.

**Issues**

[24] In determining whether or not to grant this application, the Court must determine:

1. whether there has been inordinate delay in the Action;
2. if so, whether the delay is inexcusable; and
3. if so, whether the delay has resulted in significant prejudice to a party.

[25] If the application for dismissal is not granted, the Court must also determine whether the Respondents should be required to post security as a condition of the Action continuing.

**Relevant Legislation**

[26] Rule 4.31 states:

> 4.31(1) If delay occurs in an action, on application the Court may
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> > (a) dismiss all or any part of a claim if the Court determines that the delay has resulted in significant prejudice to a party, or
> >
> > (b) make a procedural order or any other order provided for by these rules.
>
> (2) Where, in determining an application under this rule, the Court finds that the delay in an action is inordinate and inexcusable, that delay is presumed to have resulted in significant prejudice to the party that brought the application.

**Relevant Case Authorities**

[27] There are many cases which have considered the application of Rule 4.31 and whether an action ought to be dismissed on the basis of delay. The Applicants cite the cases listed in Schedule A, as well as cases referred to in those cases. The Respondents cite the cases listed in Schedule B, as well as cases referred to in those cases.

[28] The cases establish that an inordinate delay is a delay that exceeds what is reasonable given the specifics of the case; that is, the nature of the issues and the particular circumstances involved: ***Kuziw*** at para 31. If inordinate delay is established, the onus shifts to the delaying party to establish that it was excusable: ***Kuziw*** at para 37.

[29] Where delay is found to be inordinate and inexcusable, it is presumed to have resulted in significant prejudice to the party bringing the application for dismissal. The responding party then has the onus of establishing that there has been no significant prejudice as a result of the delay.

[30] Several cases (including ***Mintage Financial Corp*** and ***M.L. Bruce Holdings Inc***) have suggested that ten years is an appropriate benchmark or "best before date" when assessing whether a delay is inordinate.

**Position of the Parties**

**The Applicants**

[31] The Applicants point out that the relevant events underlying the claims in this Action arose during construction of the subject project over 17 years ago. They submit that nothing occurred between the filing of the Affidavits of Records in 2007 and 2008, and the commencement of questioning in 2013, a period of at least five years. The Applicants reject any suggestion that unsuccessful settlement negotiations or unsuccessful attempts to organize settlement conferences or case management meetings can be considered steps that moved the Action forward between 2008 and 2012.

[32] In 2014, the Respondents obtained approval of a proposed litigation plan, which the Respondents then failed to adhere to. Nothing occurred after a failed mediation in December of 2014 to move the matter closer to trial. In the meantime, the CPI Defendants became insolvent.

[33] Importantly, under the approved litigation plan, questioning was to have taken place. Despite repeated requests by the Applicants to question Mr. Kerr, he was not produced for questioning, and his death will now make that impossible. The Applicants suggest that Mr. Kerr was a key witness whose personal knowledge of events related to construction cannot be provided by any other person. Mr. Kazakoff's evidence, filed on behalf of the Respondents, makes it clear that Mr. Kerr's evidence was important in relation to several issues and that it might benefit the Applicants' case.

[34] In addition, requests by the Applicants to examine Mr. Kazakoff, the representative for the CPI Defendants, were also rebuffed.

[35] The Applicants submit that the settlement between the Plaintiff and the CPI Defendants was motivated by Mr. Kazakoff's self-interest related to separate litigation. The fact that the Respondents completed a settlement with the Plaintiff is not an excuse for those parties' failure to proceed in relation to the other parties involved in the litigation. Furthermore, unsuccessful

attempts to settle in December of 2014 did not move the Action toward resolution or justify delays in producing the representatives requested by the Applicants for questioning.

[36] Therefore, the Applicants submit, the Respondents have not provided a reasonable explanation for the numerous and ongoing delays.

[37] The Applicants submit that, given the numerous lengthy delays and the inordinate overall delay, and the Respondents' failure to provide an adequate excuse for them, significant prejudice can be presumed. Moreover, in this case, there is evidence of actual prejudice. First, there is the general prejudice assumed, given the likely fading of witnesses' memories over the 18 or so years since the relevant events occurred. There is also prejudice arising from the Applicants' limited ability to obtain cooperation from persons who are former employees or ones working under new management. There is also limited documentation available.

[38] In addition, the death of the project foreman in 2006 also eliminates the ability of the Applicants to obtain evidence from someone who was likely in a unique position to provide it. The passage of time has also seen the loss of Mr. Williams, who would have provided evidence on behalf of Williams Engineering. It has also undoubtedly affected the ability of Mr. Mithra to recall relevant events, as he is now quite elderly, his memory has faded, and he has retired.

[39] It is no answer to the assertion of delay that the CPI Defendants only took over conduct of the Plaintiff's Action in 2010. An assignee can obtain no better position than that of the assignor.

**The Respondents**

[40] Relying on ***Mintage Financial Corp*** and ***Franchuk***, the Respondents submit that a decision to dismiss an action for delay is not one to be taken lightly. While it agrees with the Applicants' submission that timely litigation is one of the purposes and intentions of the Rules, the Respondents point out that the Rules also make it clear that timely litigation can be achieved by identifying the real issues in dispute, encouraging settlement of the claims, and open, honest and timely communication.

[41] Relying on ***Union Carbide*** and ***Kelvin Energy***, the Respondents submit that the settlement between the CPI Defendants and the Plaintiff, as well as its efforts to settle with other parties, is consistent with the promotion of settlement recognized by the Rules and case authorities. It argues that the Applicants ought not to be permitted to rely on the Plaintiff's pre-settlement delay, as this would severely prejudice the CPI Defendants' rights of recovery under the Settlement Agreement. Furthermore, requiring settling parties to examine the conduct of an action by the plaintiff prior to reaching a settlement that includes taking an assignment of the action would have the effect of stifling such settlement negotiations in the future.

[42] The CPI Defendants cannot provide an excuse for delays prior to March 2010, in the context this dismissal application, since they do not have the necessary information to respond to matters that occurred while the Action was being conducted by the Plaintiff. The CPI Defendants argue that doing so would be unjust and contrary to the principles of equity. Therefore, it would be unfair and inequitable to attribute the Plaintiff's pre-settlement delay to the CPI Defendants in the context of this application.

[43] The Respondents dispute that the case authorities support a "ten year shelf-life on litigation." Instead, they argue, that ten years should be viewed as a rough starting point, per ***M.L. Bruce Holdings***. Also relying on ***M.L. Bruce Holdings***, the Respondents submit that there

are several other factors that can be taken into account when determining whether a delay is inordinate. These include: whether the action relies more on documentary than oral evidence; the complexity of the matter; the number of parties; the advanced age or deteriorating health of critical witnesses; proceedings that have been taken during the course of the litigation; whether there have been long periods of inactivity; and whether the delay has been significantly caused by a defendant that has obstructed the process. Furthermore, steps that significantly or materially advance an action can be considered, including pre-trial conferences that identify or address outstanding issues or result in an order or court memorandum, and information gathering that is material to resolve an issue, particularly where that information has been requested by or provided by the other party. Furthermore, the Court may consider activities that do not reach the status of significant advances.

[44] Considering whether there has been a credible excuse for a delay found to be inordinate, the Court may consider whether the delay was occasioned by the reasonable prospect of settlement (per ***Kuziw***). In that regard, the CPI Defendants point out that, since taking over the Action in March of 2010, they have reduced the number of Defendants from six to four, pursuant to settlements reached with Goldbar Mechanical and the tentative settlement with All Weather Windows.

[45] The Respondents assert that many of the delays in the Action are attributable to the Applicants. In that regard, they point to the seven month delay between the CPI Defendants' case management inquiries beginning in August of 2011, the Applicants resistance to settlement meetings prior to December of 2014, and the Applicants' decision not to question CPI's witness when he was made available in November of 2013. CPI concedes that there were two periods of slightly longer than one year when there was very little movement and, while not constituting inordinate delay, these can be attributable to them. The first was an approximate 17 month period after it took conduct of the matter in March of 2010, as well as a period of just over a year beginning in April of 2015. In relation to the first, the CPI Defendants submit that they have a credible excuse for this delay, because they were waiting for completion of repair work in order to identify the actual issues with the original construction. During this time, they attempted on several occasions to organize settlement meetings and a joint retainer of the engineer involved in the condominium repair. These were unsuccessful and caused it to take formal steps in the Action. The identification of these issues was important because, during their numerous attempts to organize settlement meetings, the CPI Defendants had received disclaimers of liability from a majority of the Defendants.

[46] The CPI Defendants submit that the Applicants have failed to consider several significant advances, including the gathering of information during the remediation process, resulting in the expert report provided to the Applicants in August of 2012, which narrowed the issues between the parties. The CPI Defendants submit that the report was impliedly requested by the Applicants, because they had declined to participate in settlement meetings until their liability was established. Also included in the matters which the CPI Defendants submit constituted significant advances in the Action were case management conferences in April of 2012 and June of 2014, which resulted in the confirmation of a litigation plan and the scheduling of dates for questioning witnesses. Even if they do not constitute significant advances, the CPI Defendants submit they ought to be considered, together with the December mediation, in the context of this application.

[47] Therefore, CPI submits that there have been no periods of inordinate delay during its conduct of the Action, but that, if any such delay is found to have occurred, such delay is excusable.

[48] The CPI Defendants agree that, once inordinate delay is found to be inexcusable, prejudice is presumed, subject to being rebutted by evidence. It submits, however, that the likelihood of serious prejudice must relate to a discreet period of inordinate inexcusable delay. It submits that there is no prejudice due to failing memory of a party defendant who already exhibited a failure in memory prior to an established period of inordinate delay: ***Ravvin Holdings Ltd*** at para 48.

[49] In relation to the issue of prejudice, the CPI Defendants submit that much of the prejudice alleged by the Applicants occurred prior to March 2010 or does not relate to any period of alleged inordinate delay.

[50] The CPI Defendants argue that failing memory resulting from the passage of 17 years from the events giving rise to the claim is not linked to any period of alleged delay in the Action on the part of CPI. Rather, each of the corporate representatives of Finlay Masonry, Arnie's Stucco, and A.D. Williams Engineering demonstrated imperfect or failing memories during their questioning in March and April of 2013. Therefore, the CPI Defendants submit, the Applicants could not suffer any prejudice due to further failing memory after that time. In relation to Mr. Misra, the CPI Defendants submit that he had a near perfect recollection during his questioning in April of 2013 and it is, therefore, unlikely that his memory has deteriorated since then or could not be refreshed by the transcript of his questioning.

[51] The CPI Defendants point out that the foreman died early in the Action and his death was unrelated to the delay caused during CPI's conduct of the Action. Further, the CPI Defendants submit that no evidence has been led that the employees who have left employment would have any relevant evidence of assistance to the Applicants, and therefore there is no basis to allege significant prejudice. Similarly, Mr. Williams' death and the sale of the company assets in 2009 occurred prior to the CPI Defendants assuming conduct of the Action and, therefore, any prejudice resulting from these events is unrelated to any period of delay during conduct of the Action by the CPI Defendants. In relation to the departure of employees from A.D. Williams Engineering and the allegation by that Defendant that this has resulted in prejudice, the CPI Defendants submit that there is no information when the employees left the company, nor whether they had any evidence that might assist that Defendant in its defence.

## Analysis

### Has there been inordinate delay in the Action?

[52] As is obvious from the Agreed Facts, there have been several periods of delay in this Action. At the time of this application, the Action had been underway for 13 years and questioning had not been completed.

[53] The CPI Defendants correctly point out that they did not step into the shoes of the Plaintiff, by way of assignment, until March of 2010 and that at least some of the delay in the Action occurred before that date. However, I cannot accept their argument that pre-assignment delays ought not to be attributed to them or included as delays for the purposes of this

application. They argue that it would be unfair to do so, yet offer no authority which suggests that the normal rules of assignment do not apply in these circumstances.

[54] It is well-established that an assignee takes no better position than its assignor. The assignee steps into the shoes of the assignor, taking the strengths and weaknesses of the assignor's position. The party seeking to acquire the interest of another (whether under a contract, in a law suit, in a chattel, or otherwise) ought to undertake a process of due diligence to determine the value of that which it seeks to acquire. This, of course, necessitates an analysis of the strengths and weaknesses inherent in the subject matter sought to be acquired by assignment. If a statement of claim is filed beyond the limitation period, it would not be open to an assignee of the plaintiff's position that the assignee had not been aware of the limitation date. The same applies here. Although it does affect the legal principles or the outcome, this assignee was in a unique position because of its personal involvement in the Action almost from its inception. I conclude that, when assessing whether there has been inordinate delay, it is the Action as a whole which must be considered, not just the time period following an assignment of a party's interest.

[55] I agree there is no hard and fast "ten year" rule in assessing inordinate delay. However, the length of time that has passed since the Action was commenced, as well as the number and length of the intervening delays, are highly relevant matters in the analysis.

[56] Also relevant is the nature of the law suit. This not a case where it was necessary to wait a number of years to determine the extent of a plaintiff's injuries or whether they would resolve. This is a construction law suit related to alleged construction defects in a project that was constructed between 1998 and sometime before 2003. While there were a number of parties and it was necessary to undertake steps to determine whether the defects were curable, the cost of curing them, and the responsibility for the defects, these do not explain or justify the Plaintiff's lack of action in pursuing this law suit.

[57] In this case, there have been several periods where little or no activity occurred, or where unsuccessful attempts were made to move the Action. While they do not argue the "drop-dead" rule in this case, the Applicants suggest (with good reason) that there was a period of at least five years, between 2007/2008 and 2013, which might reasonably be considered a time during which no significant steps were taken in the Action.

[58] The Respondents not only seek to disassociate themselves from delays which occurred prior to March 2010, when they assumed conduct of the Action, they also offer no satisfactory explanation as to why matters have moved so slowly since they assumed its conduct. Having obtained approval of a litigation plan in 2014, they failed to produce witnesses for questioning, despite the Applicants' requests.

[59] I conclude that the combination of overall delay (evidenced by the 14 plus years since the Action was commenced) and the number and length of the delays throughout the course of the litigation represent inordinate delay.

**Was the delay inexcusable?**

[60] I have already dealt with the CPI Defendants' argument that they cannot be held responsible for pre-assignment delays. That they did not have conduct of the Action during a period of approximately seven years, does not eliminate the need for a reasonable excuse for delays during that period.

[61] Unsuccessful attempts to organize meetings in 2011 do not excuse the delay between March 2010 and the provision of an expert report in August of 2012. There was no explanation as to why questioning was delayed three years after the CPI Defendants assumed conduct of the Action. No explanation has been given as to why, after obtaining approval to a litigation plan, the CPI Defendants did not adhere to it. Unsuccessful attempts to meet with parties to discuss settlement do not provide a reasonable excuse to delaying an action which by then was already seven to ten years old.

[62] I conclude that not having control of the Action until March 2010 does not provide an excuse for delays to that point, and a desire to reach settlement and attempts to schedule meetings for that purpose do not provide an excuse for delays thereafter.

**Has the delay resulted in significant prejudice to the Applicants?**

[63] Given the length of the overall delay and the number and duration of the delays throughout the process, the Applicants are entitled to rely on the presumption of prejudice. In addition, however, it is clear from events that have occurred since the Action was commenced that the Applicants have suffered actual prejudice.

[64] Just as the CPI Defendants argued that any delay prior to March 2010 ought not to be attributed to them, or should be excluded from consideration in this application, they argue that any prejudice that occurred prior to that date ought not to be considered. They suggest that prejudice can only be considered if it relates to a specific period of delay post-March 2010, arguing that failing memory resulting from the passage of 17 years since the events occurred cannot be considered, because it does not relate to any period of alleged delay. They suggest that general failing memory of witnesses, or further failing memory of witnesses who have previously exhibited memory problems, are not types of prejudice that can be considered under Rule 4.31. I conclude that this is not a position supported by the law. It is clear that the law recognizes that memories of witnesses or potential witnesses weaken over time. I do not find any support for the CPI Defendants' argument that a weakening of memory must be proven to relate to a period of specific delay before it can be considered.

[65] It is not a satisfactory response to the prejudice that arises through failing memories to suggest that witnesses can rely on answers given previously, if they have no memory at trial. One of the reasons for a trial is to hear the evidence of witnesses expected to recount the relevant events, not to read portions of transcripts and statements given years before. This is undoubtedly one of the reasons why parties are expected to pursue their law suits diligently – that is, the recognition that memories fade and witnesses disappear or die with the passage of time, compromising the effectiveness of the trial process.

[66] Similarly, I find no support for their argument that the death of a witness must occur within a specific period of delay for it to constitute prejudice. It is clear that in this case, potential witnesses, who likely would have had relevant evidence, have died during the period of delay. While the foreman may have died when the Action was still relatively young (three years from its commencement and approximately eight from the time of the relevant events) and Mr. Williams died shortly thereafter, they would likely have had relevant evidence. Certainly Mr. Kerr's death resulted in the loss of potentially important evidence when it could have been obtained in the decade or so that intervened between the commencement of the Action and his death. Importantly, although the date of Mr. Kerr's death is not known, he was not produced when repeated requests were made by the Applicants for him to attend questioning. The

Applicants were not advised at the time of those requests that Mr. Kerr had died, and it may be presumed that he might still have been able to provide relevant evidence concerning a number of matters had he been produced when requested.

[67] Similarly, it is no answer to the argument that a party has been prejudiced because witnesses are no longer locatable, to suggest that the witnesses might not have had any evidence to assist the party alleging prejudice. In fact, it begs the question. How can they know if these potential witnesses might have provided useful evidence when the ability to locate them has been impaired or eliminated through the passage of time – that is, by the very delay that forms the basis of the prejudice argument.

[68] I conclude that there has been significant prejudice to the Applicants caused by the inordinate delays in this Action. The Applicants are entitled to rely on the presumption, as the Respondents have not provided evidence satisfactory to rebut that presumption. Further, I find that there has been actual prejudice to the Applicants arising from the periods of delay in this case.

[69] Given my conclusions, it is not necessary for me to determine whether the Respondents should be required to post security as a condition of the Action continuing. I have reviewed the application materials related to this issue and, if it should become relevant in the future, I am prepared to revisit the issue and render my decision on that issue.

**Conclusion**

[70] The Action is dismissed as against the Applicants.

[71] I reserve any Decision in relation to the posting of security to such a date as it might become relevant in the future.

[72] The Applicants are entitled to their costs of this application. If the parties are unable to agree on the quantum of costs, they should contact my assistant within 30 days of the issuance of these Reasons to set a time at which the matter can be addressed.

Heard on the 9th day of November, 2016.
**Dated** at the City of Edmonton, Alberta this 20th day of September, 2017.

**D.L. Shelley**
**J.C.Q.B.A.**

**Appearances:**

Mr. Robert M. Schuett and Mr. Russell Patterson
Schuettlaw
for the Plaintiff/Respondent

Mr. Brian Kapusianyk
Gowling Lafleur Henderson LLP
for the Defendants/Applicants

Mr. Edward Furs
Witten LLP
for the Defendants/Applicants

Mr. Sigurd Delblanc
Bryan & Company LLP
for the Defendants/Applicants

Mr. Brian Thompson
Chomiki Baril Mah LLP
for the Defendants/Applicants

Mr. Brian Wallace
Duncan Craig LLP
for the Third Party

**Schedule A**
**Applicants' Authorities**

1. ***Huerto v Canniff***, 2014 ABQB 534; aff'd 2015 ABCA 316
2. ***Kuziw v Kucheran Estate***, 2000 ABCA 226
3. ***Barath v Schloss***, 2015 ABQB 332
4. ***Mintage Financial Corp v Altenhofen***, 2013 ABQB 486
5. ***M.L. Bruce Holdings Inc v Ceco Developments Ltd***, 2015 ABQB 604
6. ***0738827 BC Ltd v CPI Crown Properties Internation Corp***, 2014 ABCA 205

**Schedule B**
**Respondents' Authorities**

1. ***Franchuk v Schick***, 2013 ABQB 532
2. ***Kelvin Energy Ltd v Lee***, [1992] 3 SCR 235
3. ***Union Carbide Inc v Bombardier Inc***, [2014] 1 SCR 800
4. ***Ravvin Holdings Ltd v Ghitter***, 2008 ABCA 208
5. ***M.L. Bruce Holdings Inc v Ceco Developments Ltd***, 2015 ABQB 604
6. ***Huerto v Canniff***, 2014 ABQB 534; aff'd 2015 ABCA 316
7. ***Kuziw v Kucheran Estate***, 2000 ABCA 226
8. ***Brar v Pawa***, 2010 ABQB 779
9. ***Kahlon v Cheecham***, 2015 ABQB 203
10. ***Stabilized Water of Canada Inc v Better Business Bureau of Southern Alberta***, 2016 ABQB 543