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**1. Fill & Print Forms at Companies Office**

A number of Companies Office forms are now available in "Fill and Print" format using Adobe Reader. These forms include Articles of Incorporation, Application for Registration and Notice of Change of Directors. The forms are available at the [Companies Office website](#).

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**2. Departure from RFQ: Q.B.**

[R. Litz & Sons Company Limited v. Manitoba Hydro](#), 2006 MBQB 164 (CanLII) is a case that is

...the first opportunity for this court, in the quarter of a century since *Ontario v. Ron Engineering & Construction (Eastern) Ltd.*, [1981 CanLII 17 \(S.C.C.\)](#), [1981] 1 S.C.R. 111, to consider the question of how far a bid may depart from the strict letter of the RFQ without rendering the bid materially non compliant or creating a counter-offer.

The decision contains a useful summary of the jurisprudence on what kind or character of departure from the strict requirements of a RFQ will be tolerated.

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**3. Punitive Damages on Wrongful Dismissal: ON C.A.**

The Ontario Court of Appeal, in [Keays v. Honda Canada Inc.](#), 2006 CanLII 33191, a wrongful dismissal case, reduces the \$500 000 punitive damages award of the lower court to \$100 000. The majority holds that:

...while the appellant's conduct was sufficiently outrageous to warrant an award of punitive damages, the quantum needs to be reconsidered.... Bearing in mind the trial judge's findings that can be supported by the evidence, and in particular the findings that the conduct by the appellant was planned and deliberate and designed to intimidate and ultimately terminate the employment of a particularly vulnerable employee and that the appellant was aware of its continuing duty to accommodate, an award in excess of those awarded in other wrongful dismissal cases is appropriate. But, given the compensatory damages awarded, especially the *Wallace* damages, and that there were no special factors requiring deterrence such as a pattern of abuse or the kind of conduct found in *Whiten*, as well as the relatively short duration of the misconduct, in my view, an award of no more than \$100,000 can be justified.

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**4. Drafting Resource**

Commercial lawyers will find some interesting discussion and drafting tips from U.S. lawyer Ken Adams on his blog, [AdamsDrafting](#). Adams even addresses the issue of why Canadian lawyers should pay attention to his comments. Some of his recent posts include comments on the use of "shall" and use of "successors and assigns."

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