# **Business Law Update**



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### 1. Enforceability of Contracts: S.C.C.

The Supreme Court addressed the enforceability of contracts in its recent decision in <u>Jedfro Investments (U.S.A.) Ltd. v. Jacyk</u>, 2007 SCC 55. The court rejected the findings of the appellate court which held that "...when parties act in a way that shows they do not intend to comply with or be bound by the terms of their written agreement, one party cannot later ask to have the agreement enforced for its benefit." Instead, the court found that the joint venture agreement entered into between the parties remained in force and had not been discharged either by agreement or by repudiation. The court, however, found that there was not a breach of contract and therefore dismissed the appeal.

#### 2. Oppression Remedies

In <u>Cholakis v. Cholakis et al.</u>, 2007 MBCA 156 (CanLII) the court dismissed the appeal from the <u>lower court decision</u> finding the defendant had engaged in oppressive and unfairly prejudicial conduct toward the plaintiff minority shareholder and confirmed, as well, the oppression remedies imposed by that court pursuant to <u>s. 234 of *The Corporations Act*</u>, C.C.S.M. c. C225.

## 3. Amendments to Employment Standards Regulations

The province, on January 31, 2008 <u>announced</u> regulatory changes to <u>The Employment Standards</u> <u>Code</u>, C.C.S.M. c.E110 that will provide "greater protection and improved safety" to agricultural workers in Manitoba by extending the basic protections of that legislation to specified farm workers. The changes go into effect on June 30, 2008. For complete details, see the <u>Manitoba</u> <u>Regulation 26/2008</u>, amending <u>Employment Standards Regulation 6/2007</u>.

#### 4. Business Loan Boot Camp

The Canadian Bar Association's Business Law Section is presenting an online CLE entitled <u>Boot Camp: Business Loans</u> on Thursday, February 28, 2008. The presentation is available only to CBA members. For further details and to register contact the <u>Canadian Bar Association</u>.

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