



In this issue:

1. [Extrinsic Evidence in Contract Dispute: C.A.](#)
2. [Brett-Young v. K.B.A. Summary Judgment Appeal: Q.B.](#)
3. [Witness Immunity Rule: ON. C.A.](#)
4. [Disbursements and Costs: Q.B.](#)
5. [New Point in Time Searches of Federal Statutes](#)
6. [CanLII Upgrades](#)

1. Extrinsic Evidence in Contract Dispute: C.A.

The Manitoba Court of Appeal, in [Missilinda of Canada Ltd. v. Husky Oil](#), 2007 MBCA 24 (CanLII) finds that there is latent ambiguity in the disputed clause of a lease pertaining to mineral (oil) rights and considers extrinsic evidence of oil industry practice to aid in its interpretation of the clause. The dissent finds no such ambiguity and that there was no basis for the admission of the extrinsic evidence.

2. Brett-Young v. K.B.A. Summary Judgment Appeal: Q.B.

[Brett-Young Seeds Limited et al v. K.B.A. Consultants Inc. et al](#), 2007 MBQB 32 (CanLII) is an appeal from the order of the master dismissing the defendants' motion for summary judgment on a claim for pure economic loss. We reported on the master's decision in our [first issue of this Update](#). On appeal, the motion is granted and the claim is dismissed. The court finds that there is a genuine issue for trial on liability against both defendants, and that the claim was not statute-barred, but grants the motion on the basis that there was not a genuine issue for trial on an award of general damages.

3. Witness Immunity Rule: ON. C.A.

The Ontario Court of Appeal, in [Reynolds v. Kingston \(Police Services Board\)](#), 2007 ONCA 166 considers the witness immunity rule in the context of a motion to dismiss plaintiff's claim against the pathologist who participated in the investigation of her daughter's death and subsequently gave testimony at the plaintiff's preliminary hearing. The plaintiff was committed for trial on a charge of second degree murder, but the charges were withdrawn following a second autopsy.

4. Disbursements and Costs: Q.B.

In the February 14, 2007 decision in *Manitoba Keewatinowi Okimakanak Inc. v. McIvor*, CI02-01-30057 (unreported to date), the court orders that disbursement costs for photocopying (\$0.25/page) and for computer research were reasonable and legitimate disbursements. The decision also contains a good summary of the law on costs.

5. New Point in Time Searches of Federal Statutes

[Federal statutes](#) are now searchable online with a new "point-in-time" feature. Previously, the federal statute website would delete repealed provisions when amendments were made. For a detailed description of this feature, see The Law Society of Saskatchewan's [March 2007 Benchers' Digest](#) (at page 6.)

6. CanLII Upgrades

Be sure to check out the new design and more user friendly features of [CanLII](#) the next time you need to find a case, research an issue or find a regulation.

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