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1. Discharging a Pending Litigation Order: C.A.

The court in [Arero Corp. v. Erb \(G & D\) Holdings Ltd. et al](#), 2008 MBCA 88 (CanLII) considered an appeal from the dismissal of a motion under [Queen's Bench Rule 42.02\(1\)\(a\)\(ii\)](#) to discharge a pending litigation order. The pending litigation order was originally registered against the vendor's land after they took the position that deal was dead because the purchaser did not obtain subdivision approval prior to closing. After delays and several amending agreements, the parties agreed to a final closing date and that subdivision approval had to be obtained prior to that date. The parties also agreed that there would be no further postponements of that closing date. Subdivision approval was not obtained. At first instance, the motion was denied on the basis that there was a triable issue as to whether the purchaser was entitled to insist on vacant possession despite the lack of subdivision approval. In making this finding, the motions judge stated that the agreement itself did not state that the subdivision was required. The Court of Appeal allowed the appeal, determining that there was no triable issue and ordering discharge of the pending litigation order. The court found that the motions judge erred in concluding that there was a refusal to close by the vendors and further found that subdivision approval was integral to the closing and was required in law to permit the transfer of land.

2. Legal Issues in a Greener World

[Legal Issues in a Greener World](#) is the theme of the 2008 Isaac Pitblado Lectures taking place at the Fort Garry Hotel on November 14 & 15, 2008. For complete details on the presenters and program agenda, visit the Pitblado Lectures [website](#).

3. Views from the Bench & Bar on Unrepresented Litigants: CLE

Supreme Court Justice [Marshall Rothstein](#) will be the keynote presenter for the upcoming Law Society of Manitoba CLE program, [Unrepresented Litigants & Access to Justice: Today's Reality and a View to the Future](#). This full-day CLE program will take place on Wednesday, October 29, 2008 at the Fort Garry Hotel and features [presenters](#) from both the Bench and Bar. [Contact](#) Legal Studies at the Law Society for more information and to register.

4. Queen's Bench 2:00 p.m. Filings

An August 2008 [Notice](#) from the Registrar of the Court of Queen's Bench (Winnipeg Centre)

outlines a new process for filing Queen's Bench documents that must be filed by 2:00 p.m. on the date of filing. All such filings must be accompanied by a completed [Requisition](#) (Form attached at Page 2 of the Notice.)

5. Reviewing Recent SCC Cases

For a helpful (and brief) overview of some recent Supreme Court of Canada decisions, take a look at the following articles from the September 5, 2008 issue of [The Lawyers Weekly](#):

- [The damages formerly known as Wallace](#) by Stuart Rudner; and
- [The fly in the water bottle: How Mustapha modifies the 'thin skull' rule](#) by Nicole Mangan.

Another terrific resource for summaries of and commentary on Supreme Court of Canada decisions is the [thecourt.ca](#), a website maintained by the faculty and students of Osgoode Hall.

[Go to the eLaw Archive](#)

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