|  |  |  |  |
| --- | --- | --- | --- |
| **SUPREME COURT OF CANADA** | | | |
| **Citation:** CO-Operators General Insurance Co. *v.* Sollio Groupe Coopératif, 2020 SCC 41, [2020] 3 S.C.R. 785 |  | **Appeal Heard:** December 7, 2020  **Judgment Rendered:** December 7, 2020  **Docket:** 38938 |
| **Between:**  **CO-Operators General Insurance Company**  Appellant  and  **Sollio Groupe Coopératif (formerly known as La Coop Fédérée) and National Bank of Canada**  Respondents  - and -  **Canadian Bankers’ Association**  Intervener  **Official English Translation** | | | |

|  |  |  |
| --- | --- | --- |
| **Coram:** Wagner C.J. and Abella, Moldaver, Karakatsanis, Côté, Brown, Rowe, Martin and Kasirer JJ. | | |
| **Unanimous Judgment Read By:**  (paras. 1 to 2) | Kasirer J. |
|  | | |

|  |  |  |
| --- | --- | --- |
|  |  |  |

co‑operators *v.* sollio

CO-Operators General Insurance CompanyAppellant

v.

Sollio Groupe Coopératif (formerly known as La Coop Fédérée) and

National Bank of CanadaRespondents

and

Canadian Bankers’ AssociationIntervener

**Indexed as: CO-Operators General Insurance Co. *v.* Sollio Groupe Coopératif**

2020 SCC 41

File No.: 38938.

2020: December 7.

Present: Wagner C.J. and Abella, Moldaver, Karakatsanis, Côté, Brown, Rowe, Martin and Kasirer JJ.

on appeal from the court of appeal for quebec

*Financial institutions — Banks — Electronic funds transfers — Phishing — Insurance — Electronic funds transfer made by company that was victim of phishing scheme — Funds transferred from company’s bank account that included line of credit granted by bank — Transferred funds coming entirely from line of credit — Company reporting loss to its insurer — Insurer denying coverage on grounds that risk in question was not covered by company’s policy and that transferred funds belonged to bank and not to company given that funds came entirely from line of credit — Court of Appeal concluding that loss was covered by insurance policy and had to be borne by insurer because company was owner of transferred funds — Court of Appeal’s decision affirmed.*

APPEAL from a judgment of the Quebec Court of Appeal (Dufresne, Healy and Cotnam JJ.A.), 2019 QCCA 1678, [2019] Q.J. No. 8590 (QL), 2019 CarswellQue 18612 (WL Can.), setting aside in part a decision of Déziel J., 2016 QCCS 6302, [2016] J.Q. n° 18816 (QL), 2016 CarswellQue 12703 (WL Can.). Appeal dismissed.

*Pierre Gourdeau* and *Émilie Deschênes*, for the appellant.

*Alain Létourneau* and *Sylvie Grenier*, for the respondent Sollio Groupe Coopératif (formerly known as La Coop Fédérée).

*Patrick Ouellet* and *Laurence Ste‑Marie*, for the respondent National Bank of Canada.

*Mathieu Lévesque*, for the intervener.

English version of the judgment of the Court delivered orally by

[1] Kasirer J. — We are all of the opinion that the appeal should be dismissed, essentially for the reasons given by the Court of Appeal, with costs to the respondents.

[2] It should be made clear, however, having regard to para. 110 of the Court of Appeal’s reasons, that the result would not have been different had the account of the respondent La Coop Fédérée been in positive balance.

*Judgment accordingly.*

*Solicitors for the appellant: Carter Gourdeau, Québec.*

*Solicitors for the respondent Sollio Groupe Coopératif (formerly known as La Coop Fédérée): Cain Lamarre, Montréal.*

*Solicitors for the respondent National Bank of Canada: Woods, Montréal.*

*Solicitors for the intervener: Borden Ladner Gervais, Montréal.*