

May 3, 2007

Le 3 mai 2007

Coram: Bastarache, LeBel and Fish JJ.

Coram : Les juges Bastarache, LeBel et Fish

BETWEEN:

ENTRE :

Brian Baldwin, Janet Baldwin, David Bainbridge, Marita Bainbridge, Reginald Brake, Dawna Brake, Rick Hayward, Jean Hayward, Dorothy Finlay, Hilda Joyce Mitchell, Murray Mathieson, Frances Mathieson, Keith Hayward, Ann Hayward, Ken Mesure, Margaret Hayward, Mary Smith and John O'Brien and Patricia O'Brien

Brian Baldwin, Janet Baldwin, David Bainbridge, Marita Bainbridge, Reginald Brake, Dawna Brake, Rick Hayward, Jean Hayward, Dorothy Finlay, Hilda Joyce Mitchell, Murray Mathieson, Frances Mathieson, Keith Hayward, Ann Hayward, Ken Mesure, Margaret Hayward, Mary Smith et John O'Brien et Patricia O'Brien

Applicants

Demandeurs

- and -

- et -

B2B Trust and Laurentian Bank of Canada, M.R.S. Trust Company, National Trust Company and Toronto Dominion Bank

B2B Trust et Banque Laurentienne du Canada, M.R.S. Trust Company, Compagnie Trust National et Banque Toronto Dominion

Respondents

Intimées

AND BETWEEN:

ET ENTRE :

Penelope Birrell, Cynthia Campbell and Agnes Bolcso

Penelope Birrell, Cynthia Campbell et Agnes Bolcso

Applicants

Demandereses

- and -

- et -

B2B Trust and Laurentian Bank of Canada, M.R.S. Trust Company and National Trust Company

B2B Trust et Banque Laurentienne du Canada, M.R.S. Trust Company et Compagnie Trust National

Respondents

Intimées

JUDGMENT

The motion to strike the affidavit of Professor Jeffrey MacIntosh is granted. The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number C44719, dated September 27, 2006, is dismissed with costs.

JUGEMENT

La requête en radiation de l'affidavit du Professeur Jeffrey MacIntosh est accordée. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro C44719, daté du 27 septembre 2006, est rejetée avec dépens.

J.S.C.C.
J.C.S.C.