

June 15, 2017

Le 15 juin 2017

Coram: McLachlin C.J. and Abella,  
Moldaver, Karakatsanis, Wagner, Gascon,  
Côté, Brown and Rowe JJ.

Coram : La juge en chef McLachlin et les  
juges Abella, Moldaver, Karakatsanis,  
Wagner, Gascon, Côté, Brown et Rowe

**BETWEEN:**

Patrick Joseph Burns, Angus Wilde Publications Inc., Dr. Domingo M. Lopez Corp., Shirley Mae McFadden, Executor and Trustee under the last Will and Testament of Bernard Ralph McFadden, deceased, Shirley Mae McFadden, Lipp Kan Chia, Denise Ching Wan Min Kee, Betty Lai Sim Wong, Marion Merle Loney, George Tien, Amy Fu-Tak Tien, Harold Isao Morioka, Elaine Chiyeko Morioka, Bob Chin, Sarah Chin, Diana May Wilson, Executrix and Trustee under the last Will and Testament of Gordon Grant Wilson, deceased, Diana May Wilson, Arthur Phillip Davis, Thomas Wai Kwok Lee, Tage Munk Pedersen, Linda Pedersen, Virginia Emiko Sato, George Mok Yong Chan, Cameron Richard Essery, Cameron Richard Essery as Executor and Trustee under the last Will and Testament of Maria Michela Essery deceased, David Sui Mo Cheung, Bock Yip, James Christie Annable, Dawn Wai Jun Annable, Mary Winifred Chu, Dr. Howan Koo, Inc., Jenny

**ENTRE :**

Patrick Joseph Burns, Angus Wilde Publications Inc., Dr. Domingo M. Lopez Corp., Shirley Mae McFadden, exécutrice et fiduciaire testamentaire de Bernard Ralph McFadden, décédé, Shirley Mae McFadden, Lipp Kan Chia, Denise Ching Wan Min Kee, Betty Lai Sim Wong, Marion Merle Loney, George Tien, Amy Fu-Tak Tien, Harold Isao Morioka, Elaine Chiyeko Morioka, Bob Chin, Sarah Chin, Diana May Wilson, exécutrice et fiduciaire testamentaire de Gordon Grant Wilson, décédé, Diana May Wilson, Arthur Phillip Davis, Thomas Wai Kwok Lee, Tage Munk Pedersen, Linda Pedersen, Virginia Emiko Sato, George Mok Yong Chan, Cameron Richard Essery, Cameron Richard Essery, exécuteur et fiduciaire testamentaire de Maria Michela Essery décédée, David Sui Mo Cheung, Bock Yip, James Christie Annable, Dawn Wai Jun Annable, Mary Winifred Chu, Dr. Howan Koo, Inc., Jenny Suk Ha Ho, Joseph Shaw, Ruby Shaw, Mohinder Jit Singh Grewal, Narinder Kaur Grewal, James Robert Bardal,

Suk Ha Ho, Joseph Shaw, Ruby Shaw, Mohinder Jit Singh Grewal, Narinder Kaur Grewal, James Robert Bardal, Anita Bernita Bardal, Christopher Boyd and Patrick Boyd, as Executors and Trustees under the last Will and Testament of Jan Marie Boyd, deceased, Michael Yun Kei Lee, Helena Martha Wai Yin Lee, Scottsdale Investments Ltd., Samson Chi-Wang Mui, Frances Shuk Fun Lee, Man Ding Lam, Ngar Lai Ng, Timothy Shon Low, Margaret Kuen Low, Alpana Swarup Aggarwal, Newford Investments Ltd., Suki Enterprises Inc., Dr. William F. Yeung M.D., Inc., Chi-Lap Lin, Cindy Lin, Bel-Aire Agencies Ltd., Seran Holdings Inc., Woon Ying Lai, Michael John Engelbert, Susan Mary Engelbert, 347599 B.C. Ltd., Sandeep & Taseem Investments Ltd., Grant Leong Lee, Alnashir Amirally Premji, Rozina Premji, Bowman & Sons Investments Inc., Aman Investments Ltd., Alphonsus Zan-Lam Hui, Josephine Suk-Ying Hui, 462871 B.C. Ltd., Yin Ng, Joji Matsui, Douglas Paul Ashbee, Randi Christine Ashbee, Yoon Hee Ok, Beverly Ann Kaiser, Gordon Andrew Wang Kei Hsu, Mei Ling Hsu, Vincent Kin Chung Law, Kin Yee Lo, Lim Soon Noy, as Executor and Trustee under the last Will and Testament of Alvin Yong, deceased, Susan Chinn, as Executor and Trustee under the last Will and Testament of Albert Chinn, deceased, Susan Chinn, Eugene Wai Chiu Tsang, Stella Yuk Ping Tsang, Peng Loon Thong, Mi Lung Chan Thong, Kai Sun Chin, Donna May Wah Chin, John Patrick Meagher, Jan Lea Gibson, Brian George White, Yrsa Liselotte Jensen, Robert Vong, Catherine Vong, Richard

Anita Bernita Bardal, Christopher Boyd et Patrick Boyd, exécuteurs et fiduciaires testamentaires de Jan Marie Boyd, décédée, Michael Yun Kei Lee, Helena Martha Wai Yin Lee, Scottsdale Investments Ltd., Samson Chi-Wang Mui, Frances Shuk Fun Lee, Man Ding Lam, Ngar Lai Ng, Timothy Shon Low, Margaret Kuen Low, Alpana Swarup Aggarwal, Newford Investments Ltd., Suki Enterprises Inc., Dr. William F. Yeung M.D., Inc., Chi-Lap Lin, Cindy Lin, Bel-Aire Agencies Ltd., Seran Holdings Inc., Woon Ying Lai, Michael John Engelbert, Susan Mary Engelbert, 347599 B.C. Ltd., Sandeep & Taseem Investments Ltd., Grant Leong Lee, Alnashir Amirally Premji, Rozina Premji, Bowman & Sons Investments Inc., Aman Investments Ltd., Alphonsus Zan-Lam Hui, Josephine Suk-Ying Hui, 462871 B.C. Ltd., Yin Ng, Joji Matsui, Douglas Paul Ashbee, Randi Christine Ashbee, Yoon Hee Ok, Beverly Ann Kaiser, Gordon Andrew Wang Kei Hsu, Mei Ling Hsu, Vincent Kin Chung Law, Kin Yee Lo, Lim Soon Noy, exécuteur et fiduciaire testamentaire de Alvin Yong, décédé, Susan Chinn, exécutrice et fiduciaire testamentaire d'Albert Chinn, décédé, Susan Chinn, Eugene Wai Chiu Tsang, Stella Yuk Ping Tsang, Peng Loon Thong, Mi Lung Chan Thong, Kai Sun Chin, Donna May Wah Chin, John Patrick Meagher, Jan Lea Gibson, Brian George White, Yrsa Liselotte Jensen, Robert Vong, Catherine Vong, Richard Lonsdale, Sandra Lonsdale, Chi King Agnes Lam, Pak Ho Lam, Richard Chung-Sop Cook, Laurence Alexander Bosley, Narinder Kumar Dhir, Prem Lata Dhir, T.S.K. Ventures Ltd., Manhope Enterprises Inc., Richard Yan Wai Yau, Connie Yuet Kwan Lam, Oluf Peter

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Lonsdale, Sandra Lonsdale, Chi King Agnes Lam, Pak Ho Lam, Richard Chung-Sop Cook, Laurence Alexander Bosley, Narinder Kumar Dhir, Prem Lata Dhir, T.S.K. Ventures Ltd., Manhope Enterprises Inc., Richard Yan Wai Yau, Connie Yuet Kwan Lam, Oluf Peter Skov, Roald Skov, Willis Higgins Building Corporation, Donald Wiseman, Mary Chan, Lulu Siu Yin Loh, Thomas Wahlig, Daisy Lan Lee, Wenceslawa Lenie Buenaventura, as Executor and Trustee under the last Will and Testament of Arsenio Buenaventura, deceased, Wenceslawa Lenie Buenaventura, Josh Holdings Ltd., David William Clark, Joanne Marylyn Clark, Gilberto Gerardo Talamo, Greta Lucia Talamo, Sze Hiong Liew, Sonia Rattan and Judy Charlotte Woodward

Applicants

- and -

Homer Street Development Limited Partnership, formerly Cressey (Homer) Limited Partnership, Trilogy Robson Development Limited Partnership, 455322 British Columbia Ltd. individually, and together doing business as The Grand Development Partnership, Cressey Development Corporation, Norman Cressey, Joan Cressey, Scott Cressey, 511953 British Columbia Ltd., formerly Trilogy Pacific Enterprises Corporation, John de C. Evans, Jonathon Wener and Douglas Pascal

Respondents

Skov, Roald Skov, Willis Higgins Building Corporation, Donald Wiseman, Mary Chan, Lulu Siu Yin Loh, Thomas Wahlig, Daisy Lan Lee, Wenceslawa Lenie Buenaventura, exécutrice et fiduciaire testamentaire d'Arzenio Buenaventura, décédé, Wenceslawa Lenie Buenaventura, Josh Holdings Ltd., David William Clark, Joanne Marylyn Clark, Gilberto Gerardo Talamo, Greta Lucia Talamo, Sze Hiong Liew, Sonia Rattan et Judy Charlotte Woodward

Demandeurs

- et -

Homer Street Development Limited Partnership, anciennement Cressey (Homer) Limited Partnership, Trilogy Robson Development Limited Partnership, 455322 British Columbia Ltd. individuellement et faisant affaire ensemble sous le nom de The Grand Development Partnership, Cressey Development Corporation, Norman Cressey, Joan Cressey, Scott Cressey, 511953 British Columbia Ltd., anciennement Trilogy Pacific Enterprises Corporation, John de C. Evans, Jonathon Wener et Douglas Pascal

Intimés

JUDGMENT

The application for leave to appeal from the judgment of the Court of Appeal for British Columbia (Vancouver), Number CA43125, 2016 BCCA 371, dated September 15, 2016, is dismissed with costs.

JUGEMENT

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de la Colombie-Britannique (Vancouver), numéro CA43125, 2016 BCCA 371, daté du 15 septembre 2016, est rejetée avec dépens.

C.J.C.  
J.C.C.