

COURT OF APPEAL OF YUKON

Citation: *LaPrairie v. Yukon (Government)*,
2014 YKCA 12

Date: 20141117
Docket: 13-YU723

Between:

**Clifford LaPrairie and Virginia LaPrairie,
doing business as LaPrairie Bison Ranch**

**Appellants
(Plaintiffs)**

And

Government of Yukon

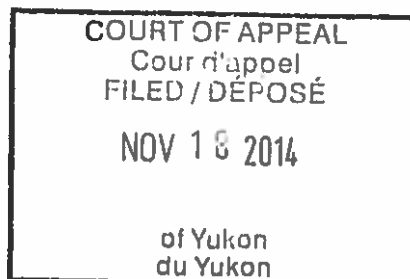
**Respondent
(Defendant)**

Before: The Honourable Mr. Justice Chiasson
The Honourable Madam Justice Schuler
The Honourable Mr. Justice Goepel

On appeal from: an order of the Supreme Court of Yukon dated
June 18, 2013 (*LaPrairie v. Yukon (Government)*, 2013 YKSC 59),
Whitehorse Registry No. 10-A0003

Oral Reasons for Judgment

Counsel for the Appellants:	J. D. Vilvang, Q.C.
Counsel for the Respondent:	J. M. Hartling
Place and Date of Hearing:	Whitehorse, Yukon November 17, 2014
Place and Date of Judgment:	Whitehorse, Yukon November 17, 2014



Summary:

This is an appeal from a decision dismissing the action of the plaintiffs on the basis it was commenced beyond the six-year limitation period set out in para. 2 (a)-(j) of the Limitation Actions Act, RSY 2002, c 139. Held: Appeal allowed. The claim was brought within time.

[1] **GOEPEL J.A.:** This is an appeal from a decision dismissing the action of the plaintiffs on the basis it was commenced beyond the six-year limitation period set out in para. 2 (a)-(j) of the *Limitation Actions Act*, RSY 2002, c 139.

[2] The underlying action is a claim in negligent representation by the appellants against the Government of the Yukon concerning ownership of certain wood bison.

[3] The chambers judge defined the issue on the application as:

The issue in this application is whether LaPrairie knew or ought to have known by the exercise of reasonable diligence that his cause of action arose more than six years prior to the filing of claim on April 9, 2010, or, in other words, whether he knew or ought to have known of the alleged basis for his action prior to April 9, 2004.

[4] With respect the chambers judge mischaracterized the issue he had to decide. The issue was not when the cause of action first arose, but rather whether the defendant made any representations that gave rise to the cause of action in the six years prior to the filing of claim on April 9, 2010.

[5] The evidence discloses that on November 1, 2004, Mr. LaPrairie met with Mr. Peter Jenkins, the then Yukon Minister of the Environment. Mr. Jenkins has filed an affidavit in these proceedings and in his affidavit deposes that he advised Mr. LaPrairie at that meeting that he was the owner of the bison.

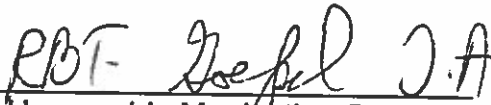
[6] In our view, that representation in and of itself is sufficient to answer the issue on this appeal as to whether the limitation period had expired prior to the commencement of the proceedings. In our view, it had not. The representation of November 1, 2004, is one upon which the appellants rely in this proceeding, and on that basis alone this appeal must be allowed.

[7] We say nothing in regards to the merits of this action or the reasonableness of reliance on that representation or other representations that may have been made before and after November 2009.

[8] I would allow the appeal. The appellants are entitled to the costs of the appeal.

[9] CHIASSON J.A.: I agree.

[10] SCHULER J.A.: I agree.


The Honourable Mr. Justice Goepel