

COURT OF APPEAL OF YUKON

Citation: *Cabott v. Urban Systems Ltd.*,
2016 YKCA 9

Date: 20160628
Docket: 15-YU757

Between:

Lesley Cabott

Respondent
(Plaintiff)

And

Urban Systems Ltd.

Appellant
(Defendant)

Corrected Judgment: The text of the judgment was corrected at paragraph 2 on
July 4, 2016.

Before: The Honourable Madam Justice Saunders
The Honourable Mr. Justice Groberman
The Honourable Madam Justice Shaner

Supplementary Reasons to *Cabott v. Urban Systems Ltd.*, 2016 YKCA 4.

Counsel for the Appellant: R.G. Macdonald, Q.C.

Counsel for the Respondent: D. Fendrick

Place and Date of Hearing: Whitehorse, Yukon
November 17, 2015

Place and Date of Judgment: Vancouver, British Columbia
April 27, 2016

Written Submissions Received: May 5 and 18, 2016

Date of Supplementary Judgment: June 28, 2016

Supplementary Reasons of the Court

Summary:

Supplementary Reasons of the Court allowing an appeal of a related order.

Supplementary Reasons for Judgment of the Court:

[1] On April 27, 2016 we issued reasons for judgment indexed as 2016 YKCA 4 allowing the appeal in respect to the order of May 8, 2015. Since that date the parties have placed before us an order made August 31, 2015 not earlier presented to us, that quantified the damages described in the May order.

[2] This second order is ancillary to the one appealed. The appeal having been successful, it is clear that the order of August 31, 2015 that is founded on the May order must also be set aside. In the result, both the May 8, 2015 and August 31, 2015 orders are set aside. To the extent the damages owing to Ms. Cabott must be recalculated, damages and costs in the Supreme Court of Yukon are remitted to the Supreme Court of Yukon for determination.

“The Honourable Madam Justice Saunders”

“The Honourable Mr. Justice Groberman”

“The Honourable Madam Justice Shaner”