

**IN THE SUPREME COURT OF THE YUKON TERRITORY**

BETWEEN: S.C. No. 00-A0174  
TRANS NORTH TURBO AIR LIMITED  
PLAINTIFF

AND:  
NORTH 60 PETRO LTD., PATRICK O'HAGAN AND BRIAN LARKIN  
DEFENDANTS

AND BETWEEN: S.C. No. 00-A0226  
ROBERT BRIAN CAMERON  
PLAINTIFF

AND:  
NORTH 60 PETRO LTD., PATRICK O'HAGAN AND BRIAN LARKIN  
DEFENDANTS

AND BETWEEN: S.C. No. 00-A0211  
ALMON LANDAIR LTD.  
PLAINTIFF

AND:  
NORTH 60 PETRO LTD., PATRICK O'HAGAN AND BRIAN LARKIN  
DEFENDANTS

AND BETWEEN: S.C. No. 00-A0212  
SUMMIT AIR CHARTERS LTD.  
PLAINTIFF

AND:  
NORTH 60 PETRO LTD., PATRICK O'HAGAN AND BRIAN LARKIN

DEFENDANTS

R. PATRICK SAUL and  
DARRYL G. PANKRATZ

Appearing for Trans North Turbo Air Limited  
and Robert Brian Cameron

PETER CHOMICKI, Q.C.

Appearing for Almon Landair Ltd. and  
Summit Air Charters Ltd.

RICK B. DAVISON, Q.C. and  
BRUCE CHURCHILL-SMITH

Appearing for the defendants

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**MEMORANDUM OF RULING  
DELIVERED FROM THE BENCH**

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[1] VEALE J. (Oral): The defendants have applied to have a view taken pursuant to Rule 30(4), which requires that I find it either necessary or expedient, and it is agreed that it is not necessary, but counsel for the defendants says it would be expedient; and the view requested is to determine the view that would have been available to the witness, Matthew Cornish, from the control tower cab at the Whitehorse Airport.

[2] Mr. Cornish testified that on the day of the fire he was able to observe flames coming from the south entrance that evening, and three photographs have been provided, photographs that were all taken from the control tower balcony. I am referring to B-94 and B-96. There is a further photograph, B-95, which depicted the control tower itself, as well as the Whitehorse Airport Terminal and Hangar C, in the distance.

[3] I am satisfied from listening to Mr. Cornish's evidence that there is no dispute about the fact that he was able to see Hangar C on the evening in question, and I am unable to find that it would be of any assistance for the Court, for me, to go to the control tower to take a look at the view today, particularly when Hangar C is no longer in the view.

[4] I simply find, therefore, that I am not satisfied that a view would be expedient or helpful, at this stage of the proceeding.

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VEALE J.