

**CASE NO.**

**VOLUME**

**PAGE**

Cite as: Canadian National Railway Co. v. Sydney Steel Corporation, 1998 NSCA 138

CANADIAN NATIONAL RAILWAY CO.

SYDNEY STEEL CORPORATION

- and -

(Appellant)

(Respondent)

C.A. No. 145672

Halifax, N.S.

CROMWELL, J.A.

**APPEAL HEARD:**

June 12, 1998

**JUDGMENT DELIVERED:**

June 26, 1998

**SUBJECT:**

**Conflict of Laws - Actions - General - *Forum Conveniens*; Conflict of Laws - Practice - Stay of Proceedings**

**SUMMARY:**

A dispute arose between Sysco, a Nova Scotia company and CNR, a Canadian company with its head office in Montreal, concerning a contract for the supply of rails. Two actions were commenced. The first was commenced by Sysco in Nova Scotia claiming payment for goods sold and delivered and other damages. The second action was commenced by CNR in Quebec and claimed damages arising from the failure of the rails to be of the stipulated quality. Sysco brought an application in the Quebec Superior Court to stay the Quebec action on the basis that Quebec was not the convenient forum. That application was dismissed by the Superior Court and the decision was upheld by the Quebec Court of Appeal. CNR then brought an application in the Supreme Court of Nova Scotia to stay the Nova Scotia action on the basis that Nova Scotia was not the convenient forum. The Chambers judge dismissed the application and CNR appealed.

**ISSUE:**

Did the Chambers judge commit reviewable error in deciding that CNR had failed to show that Quebec was clearly the more appropriate forum?

**RESULT:** The appeal was dismissed. The Chambers judge did not err in principle nor did her order give rise to an injustice. Even assuming that the principles of issue estoppel and comity apply, the Chambers judge committed no reviewable error.

**THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION, QUOTES MUST BE FROM THE DECISION, NOT FROM THE COVER SHEET. THE FULL COURT DECISION CONSISTS OF 11 PAGES.**