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Decision suggests greater freedom for trial judges in contract law cases

Eli Lederman was quoted in Canadian Lawyer InHouse on July 20, 2015 regarding the decision in *Energy Fundamentals Group Inc. v. Veresen Inc.*, 2015 ONCA 514, a significant case concerning the implication of contractual terms.

Eli Lederman, a partner at Lenczner Slaght Royce Smith Griffin LLP, a recent Court of Appeal decision in Ontario adds to a growing trend that suggests trial judges may have greater freedom to determine whether parties are living up to their contractual obligations.

In *Energy Fundamentals Group Inc. v. Veresen Inc.*, the case involved implied terms in contracts. When can a court imply terms into a commercial contract upon which the parties have not expressly agreed? Veresen Inc. appealed the decision of an application judge implying a contractual obligation on its part to disclose information to enable the Energy Fundamentals Group to determine whether to exercise an option to acquire up to 20 per cent of a limited partnership, the Jordan Cove energy project...

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