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Case Name:

**① Cole v. Four Seasons Aviation Ltd.**

RE: Lee Cole, (Plaintiff/Appellant in Appeal), and  
Four Seasons Aviation Ltd., (Defendant/Respondent  
in Appeal)

[2007] O.J. No. 385

2007 ONCA 77

Docket: C46201

**Ontario Court of Appeal**

**Toronto, Ontario**

**J.I. Laskin, R.G. Juriansz JJ.A. and J.D. Cunningham**

**A.C.J.S.C.J.**

Heard: February 6, 2007.

Judgment: February 6, 2007.

(4 paras.)

Appeal From:

On appeal from the order of Justice Thea P. Herman of the Superior Court of Justice dated November 2, 2005.

Counsel:

Ronald G. Chapman for the appellant

John F. Johnson for the respondent

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**APPEAL BOOK ENDORSEMENT**

The following judgment was delivered by

¶ 1 **THE COURT:**— The trial judge's conclusion that the allegations made by the respondent in its defence and counterclaim did not rise to the level of fraud or improper conduct seriously prejudicial to character or reputation was supported by her factual findings, her conclusion dismissing the claim for punitive damages, and the nature of the allegations themselves.

¶ 2 In exercising her discretion, the trial judge considered all the relevant factors. She is entitled considerable deference. We see no basis to interfere.

¶ 3 The appeal is dismissed.

¶ 4 Costs of the motion for leave and of the appeal fixed in the amount of \$4,000 inclusive of disbursements and G.S.T.

QL UPDATE: 20070208

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