

Citation: McKelvie v. Ng
2002 BCCA 377

Date: 20020617
Docket: CA026822

COURT OF APPEAL FOR BRITISH COLUMBIA

BETWEEN:

RONALD MCKELVIE

RESPONDENT
(PLAINTIFF)

AND:

KAM YIN ALICE NG and CHI TO OTTO NG

APPELLANTS
(DEFENDANTS)

Before: The Honourable Madam Justice Huddart
The Honourable Madam Justice Saunders
The Honourable Madam Justice Levine

Mark M. Skorah Counsel for the Appellants

Timothy J. Delaney Counsel for the Respondent

Place and Date of Judgment Vancouver, British Columbia
May 24, 2001

Written submissions received May 30, 2002

Date of Supplementary Reasons: Vancouver, British Columbia
June 17, 2002

Supplementary Reasons by:
The Honourable Madam Justice Saunders

Concurred in by:
The Honourable Madam Justice Huddart
The Honourable Madam Justice Levine

Supplementary Reasons for Judgment of the Honourable Madam Justice Saunders:

[1] In accordance with the reasons for judgment in this appeal issued on May 24, 2001, the learned trial judge has reassessed damages. We are advised that the appellant is now appealing that second assessment.

[2] The issue of costs of this appeal (decided May 24, 2001) is still outstanding. There is, apparently, a Calderbank letter. In light of that letter and the outstanding appeal of the reassessment, the issue of costs of this appeal, in my view, should be resolved on the hearing of the second appeal when the effect of the Calderbank letter can be seen more clearly. I would so order.

"The Honourable Madam Justice Saunders"

I AGREE:

"The Honourable Madam Justice Huddart"

I AGREE:

"The Honourable Madam Justice Levine"