

IN THE COURT OF APPEAL OF MANITOBA

Coram: Chief Justice Richard J. Scott
Mr. Justice Charles R. Huband
Mr. Justice Guy J. Kroft

BETWEEN:

<i>3764525 MANITOBA LTD. o/a</i>)	
<i>ROADSHOW SOUND o/a</i>)	<i>N. H. Kravetsky</i>
<i>MIDNIGHT SOUND</i>)	<i>for the Applicant/Appellant</i>
)	
<i>(Plaintiff) Applicant/Appellant</i>)	<i>M. G. Finlayson</i>
)	<i>for the Respondent/Respondent</i>
<i>- and -</i>)	
)	<i>Appeal heard and</i>
<i>CGU INSURANCE COMPANY</i>)	<i>Decision pronounced:</i>
<i>OF CANADA</i>)	<i>March 14, 2006</i>
)	
<i>(Defendant) Respondent/Respondent</i>)	

SCOTT C.J.M.

1 We are all of the view that there was ample evidence to support the conclusions of the trial judge. It is clear that the explosion was a consequence of arson and that the plaintiff's principal had a motive. The evidence accepted at trial supports the finding that the plaintiff's principal had the exclusive opportunity either to commit the arson himself, or that he was complicate in its execution.

2 There was no palpable or overriding error with respect to any of the

trial judge's factual findings or the inferences that he chose to draw from such findings.

3 The appeal is accordingly dismissed with costs.

_____ C.J.M.

I Agree:

_____ J.A.

I Agree:

_____ J.A.