

IN THE COURT OF APPEAL OF MANITOBA

Coram: Chief Justice Richard J. Scott
Mr. Justice Charles R. Huband
Madam Justice Freda M. Steel

B E T W E E N:

DONALD POULIN)
)
(Applicant) Appellant)

- and -)

***SCOTTISH & YORK INSURANCE CO.
LIMITED, GAN CANADA INSURANCE
COMPANY, THE SOVEREIGN
GENERAL INSURANCE COMPANY,
MARKEL INSURANCE COMPANY OF
CANADA, ALLIANZ INSURANCE
COMPANY OF CANADA, and THE
CANADIAN SURETY COMPANY***)
)
(Respondents) Respondents)

***R. L. Tapper, Q.C. and
C. C. Wullum***
for the Appellant

M. G. Finlayson
for the Respondents

*Appeal heard and
Decision pronounced:
February 2, 2005*

HUBAND J.A. (for the Court):

1 We are of the view that the policy of insurance, standing by itself, is ambiguous. However, when one considers the surrounding documentary evidence, the ambiguity is resolved in the insurer's favour. We do agree with the conclusion reached by the motions judge.

2

The appeal is therefore dismissed with costs.

_____ J.A.

_____ C.J.M.

_____ J.A.