

**SUPREME COURT OF CANADA**

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| **Citation:** Urban Communications Inc. *v.* BCNET Networking Society, 2016 SCC 45, [2016] 2 S.C.R. 289 | **Reference of a matter heard:** November 1st, 2016  **Order:** November 1st, 2016  **Docket:** 36639 |

Between:

Urban Communications Inc.

Appellant

and

BCNET Networking Society

Respondent

**Coram:** McLachlin C.J. and Abella, Moldaver, Karakatsanis, Wagner, Gascon, Côté, Brown and Rowe JJ.

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| **Reasons for Order:**  (para. 1) | McLachlin C.J. (Abella, Moldaver, Karakatsanis, Wagner, Gascon, Côté, Brown and Rowe JJ. concurring) |

Urban Communications Inc. *v.* BCNET Networking Society, 2016 SCC 45, [2016] 2 S.C.R. 289

Urban Communications Inc. Appellant

v.

BCNET Networking Society Respondent

**Indexed as:** Urban Communications Inc. ***v.*** BCNET Networking Society

2016 SCC 45

File No.: 36639.

2016: November 1.

Present: McLachlin C.J. and Abella, Moldaver, Karakatsanis, Wagner, Gascon, Côté, Brown and Rowe JJ.

on appeal from the court of appeal for british columbia

*Arbitration — Appeals — Commercial arbitration awards — Parties entering into agreement containing option to renew — Parties disagreeing as to whether option to renew validly exercised and entering into arbitration — Arbitrator ruling that option validly exercised by letter — Chambers judge granting leave to appeal pursuant to s. 31 of Arbitration Act, R.S.B.C. 1996, c. 55, allowing appeal and amending arbitrator’s award — Court of Appeal reversing grant of leave and reinstating award — Court of Appeal finding that no pure question of law arises from arbitrator’s interpretation of agreement and letter and that threshold requirement for granting leave to appeal under s. 31 therefore not met.*

APPEAL from a judgment of the British Columbia Court of Appeal (Smith, Bennett and Willcock JJ.A.), 2015 BCCA 297, 376 B.C.A.C. 15, 646 W.A.C. 15, 386 D.L.R. (4th) 284, 45 B.L.R. (5th) 175, 80 B.C.L.R. (5th) 154, [2016] 2 W.W.R. 298, [2015] B.C.J. No. 1363 (QL), 2015 CarswellBC 1785 (WL Can.), setting aside the decisions of Cohen J., 2014 BCSC 485, [2014] B.C.J. No. 522 (QL), 2014 CarswellBC 789 (WL Can.), and 2014 BCSC 1045, [2014] B.C.J. No. 1171 (QL), 2014 CarswellBC 1659 (WL Can.), and reinstating the arbitrator’s award. Appeal dismissed.

Murray L. Smith and *Jeffrey W. Beedell*, for the appellant.

David P. Church, *Q.C.*, *Andrew J. Pearson* and *Ian G. Schildt*, for the respondent.

The judgment of the Court was delivered orally by

1. The Chief Justice — We are all of the view that the appeal should be dismissed substantially for the reasons of the Court of Appeal of British Columbia.

*Judgment accordingly.*

Solicitors for the appellant: Smith Barristers, Vancouver; Gowling WLG (Canada), Ottawa.

Solicitors for the respondent: Church & Company, Vancouver.