|  |
| --- |
| **SUPREME COURT OF CANADA** |

|  |  |
| --- | --- |
| **Citation:** Volkswagen Group Canada Inc.*v.* Association québécoise de lutte contre la pollution atmosphérique, 2019 SCC 53, [2019] 3 S.C.R. 920 | **Appeal Heard:** November 13, 2019**Judgment Rendered:** November 13, 2019**Docket:** 38297 |
| Between:Volkswagen Group Canada Inc., Volkswagen Group of America Inc., Volkswagen AG, Audi Canada Inc., Audi of America Inc. and Audi AGAppellantsandAssociation québécoise de lutte contre la pollution atmosphérique and André BélisleRespondents- and -ENvironnement JEUnesse and Quebec Environmental Law CentreInterveners**Official English Translation** |
| **Coram:** Wagner C.J. and Abella, Moldaver, Karakatsanis, Côté, Brown, Rowe, Martin and Kasirer JJ. |
| **Reasons for Judgment:**(paras. 1 to 3) | Wagner C.J. (Abella, Moldaver, Karakatsanis, Côté, Brown, Rowe, Martin and Kasirer JJ. concurring) |
|  |  |  |

volkswagen *v*. aqlpa

Volkswagen Group Canada Inc.,

Volkswagen Group of America Inc.,

Volkswagen AG,

Audi Canada Inc.,

**Audi of America Inc. and**

**Audi AG** *Appellants*

*v.*

**Association québécoise de lutte contre la pollution atmosphérique**

**and André Bélisle** *Respondents*

and

**ENvironnement JEUnesse and**

**Quebec Environmental Law Centre** *Interveners*

**Indexed as:** Volkswagen Group Canada Inc. ***v.*** Association québécoise de lutte contre la pollution atmosphérique

2019 SCC 53

File No.: 38297.

2019: November 13.

Present: Wagner C.J. and Abella, Moldaver, Karakatsanis, Côté, Brown, Rowe, Martin and Kasirer JJ.

on appeal from the court of appeal for quebec

 *Civil procedure — Class actions — Authorization to institute class action — Appeals — Leave to appeal — Application for authorization to institute class action to compensate all Quebec residents for environmental consequences of failure of automobile manufacturers to comply with environmental standards — Application for authorization granted by Superior Court with respect to claim for punitive damages, but not to claim for compensatory damages — Court of Appeal denying leave to appeal — Court of Appeal not erring in exercising its discretion.*

 APPEAL from a judgment of the Quebec Court of Appeal (Bélanger J.A.) 2018 QCCA 1034, 18 C.E.L.R. (4th) 107, [2018] AZ-51504875, [2018] J.Q. no 5422 (QL), 2018 CarswellQue 5117 (WL Can.), denying leave to appeal a decision of Dumais J., 2018 QCCS 174, 15 C.E.L.R. (4th) 187, [2018] AZ-51461688,[2018] J.Q. no294 (QL), 2018 CarswellQue 426 (WL Can.). Appeal dismissed, Moldaver, Côté, Brown and Rowe JJ. dissenting.

 Guy Pratte and Stéphane Pitre, for the appellants.

 Stéphane Pagé, Éric Bouchard and Dominique Neuman, for the respondents.

 Bruce W. Johnston and Anne-Julie Asselin, for the interveners.

 English version of the judgment of the Court delivered orally by

1. The Chief Justice — A majority of the Court finds that the Court of Appeal judge did not err in exercising her discretion, and the appeal is therefore dismissed with costs.
2. Justices Moldaver, Brown and Rowe would have allowed the appeal on the basis that the Court of Appeal judge should have granted leave to appeal on the question of law raised by the appellants. They would have remanded the case to the Court of Appeal for a decision on the merits.
3. Justice Côté would have allowed the appeal with costs.

 *Judgment accordingly*.

 Solicitors for the appellants: Borden Ladner Gervais, Montréal.

 Solicitors for the respondents: Bouchard+Avocats inc., Québec; Dominique Neuman avocat, Montréal.

 Solicitors for the interveners: Trudel Johnston & Lespérance, Montréal.