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| **SUPREME COURT OF CANADA** | | | |
| **Citation:** Armstrong *v*. Ward, 2021 SCC 1, [2021] 1 S.C.R. 3 |  | **Appeal Heard:** January 18, 2021  **Judgment Rendered:** January 18, 2021  **Docket:** 39049 |
| **Between:**  **Karen Armstrong**  Appellant  and  **Colin Ward**  Respondent  - and -  **Healthcare Insurance Reciprocal of Canada and Ontario Trial Lawyers Association**  Interveners | | | |

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| **Coram:** Wagner C.J. and Abella, Moldaver, Karakatsanis, Côté, Brown and Rowe JJ. | | |
| **Unanimous Judgment Read By:**  (paras. 1 to 2) | Wagner C.J. |
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armstrong *v.* ward

Karen Armstrong Appellant

v.

Colin Ward Respondent

and

Healthcare Insurance Reciprocal of Canada and

Ontario Trial Lawyers Association Interveners

**Indexed as: Armstrong *v*. Ward**

2021 SCC 1

File No.: 39049.

2021: January 18.

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

on appeal from the court of appeal for ontario

*Torts — Negligence — Standard of care — Patient’s left ureter injured during laparoscopic colectomy — Injury causing blockage of ureter leading to removal of left kidney — Patient suing surgeon — Trial judge finding that surgeon breached standard of care and that breach caused damage to patient’s ureter which required removal of kidney — Majority of Court of Appeal holding that trial judge erred in law in identifying and applying standard of care and setting aside trial decision — Dissenting judge finding that there was no basis to interfere with trial judge’s approach to standard of care and that trial judge’s conclusions were fully supported by evidence — Trial decision restored.*

APPEAL from a judgment of the Ontario Court of Appeal (Juriansz, van Rensburg and Paciocco JJ.A.), 2019 ONCA 963 (*sub nom. Armstrong v. Royal Victoria Hospital*), 452 D.L.R. (4th) 555, 61 C.C.L.T. (4th) 181, [2019] O.J. No. 6187 (QL), 2019 CarswellOnt 19957 (WL Can.), setting aside a decision of Mulligan J., 2018 ONSC 2439, [2018] O.J. No. 2010 (QL). Appeal allowed.

*Ryan Breedon* and *Jan Marin*, for the appellant.

*Mark Veneziano* and *Jaan Lilles*, for the respondent.

*Anna Marrison*, for the intervener the Healthcare Insurance Reciprocal of Canada.

*Barbara Legate*, for the intervener the Ontario Trial Lawyers Association.

The judgment of the Court was delivered orally by

[1] The Chief Justice — The appeal is allowed for the reasons of Justice van Rensburg, with costs throughout.

[2] The judgment of the Court of Appeal is set aside and the trial judgment is restored.

*Judgment accordingly.*

*Solicitors for the appellant: Breedon Litigation, Barrie, Ont.; Gluckstein Lawyers, Toronto.*

*Solicitors for the respondent: Lenczner Slaght Royce Smith Griffin, Toronto.*

*Solicitors for the intervener the Healthcare Insurance Reciprocal of Canada: Borden Ladner Gervais, Toronto.*

*Solicitors for the intervener the Ontario Trial Lawyers Association: Legate Personal Injury Lawyers, London, Ont.*