

CANADA / JUDGMENT

Helo Enterprises Ltd. v. Standard Trust Co. (Liquidators of)

[1996] 1 SCR 183

COURT

Supreme Court of Canada

DECIDED

21 February 1996

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Helo Enterprises Ltd. v. Standard Trust Co. (Liquidators of) Collection Supreme Court Judgments
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[1996] 1 SCR 183 Case number 23924 Judges La Forest, Gérard V.; L'Heureux-Dubé, Claire; Sopinka, John; Gonthier, Charles Doherty; McLachlin, Beverley; Iacobucci, Frank; Major, John C. On appeal from British Columbia Subjects Action Priorities and hypothecs Notes SCC Case Information: 23924 Decision Content Helo Enterprises Ltd. v. Standard Trust Co. (Liquidators of), [1996] 1 S.C.R. 183 Helo Enterprises Ltd. Appellant v. Ernst & Young Inc., Liquidators for the Standard Trust Company in Liquidation Respondent Indexed as: Helo Enterprises Ltd. v. Standard Trust Co. (Liquidators of) File No.: 23924. 1996: February 21. Present: La Forest, L'Heureux-Dubé, Sopinka, Gonthier, McLachlin, Iacobucci and Major JJ. on appeal from the court of appeal for british columbia Mortgages -- Interest -- Broker's fees -- Broker retained by mortgagors and paid for services -- Broker's fee not interest and not included in determination of rate of interest -- Interest rate (calculated without fees) not criminal. Interest -- Meaning of term -- Broker retained by mortgagors and paid for services -- Broker's fee not interest. APPEAL from a judgment of the British Columbia Court of Appeal (1993), 87 B.C.L.R. (2d) 118, 39 B.C.A.C. 61, 64 W.A.C. 61, 108 D.L.R. (4th) 415, allowing an appeal from an order of Hardinge J. declaring mortgage and participation agreements void and unenforceable. Appeal dismissed. David W. Scott and J. A. Donald Bohun, for the appellant. William Kaplan and Scott A. Turner, for the respondent. The judgment of the Court was delivered orally by 1 La Forest J. -- We are all of the view that the appeal should be dismissed for the reasons given by Southin J.A. in the British Columbia Court of Appeal. The appeal is accordingly dismissed with costs. Judgment accordingly. Solicitors for the appellant: Amicus Law Centre, Victoria. Solicitors for the respondent: Blake, Cassels & Graydon, Vancouver.

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Prepared on 28 October 2026 · Esheria