

CANADA / JUDGMENT

Varga v. F.H. Deacon & Co.

[1975] 1 SCR 39**COURT**

Supreme Court of Canada

DECIDED

5 November 1973

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Varga v. F.H. Deacon & Co. Collection Supreme Court Judgments Date 1973-11-05 Report

[1975] 1 SCR 39 Judges Abbott, Douglas Charles; Martland, Ronald; Judson, Wilfred; Spence, Wishart Flett; Laskin, Bora On appeal from Ontario Subjects Agency Decision Content Supreme Court of Canada Varga v. F.H. Deacon & Co., [1975] 1 S.C.R. 39 Date: 1973-11-05 Joseph Varga (Plaintiff) Appellant; and F.H. Deacon & Company Limited (Defendant) Respondent; and Robert DuDomaine Third Party. 1973: October 23; 1973: November 5. Present: Abbott, Martland, Judson, Spence and Laskin JJ. ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO. Agency—Fiduciary relationship—Stockbroker and client—Duty to advise client. APPEAL from a judgment of the Court of Appeal for Ontario^[1] allowing an appeal from Haines J. with a jury. Appeal dismissed. R.N. Starr, Q.C., for the appellant. P.B.C. Pepper, Q.C., and D.A. Peppiatt, for the respondent. The judgment of the Court was delivered by ABBOTT J.—In our opinion, the finding of the jury that the appellant did not rely on the respondent or the third party to discover and make disclosure of facts necessary to enable him to give informed instructions, negatives in the circumstances of this case, the existence of a fiduciary relationship between the appellant and the respondent. We are not prepared to interfere with the finding of the jury as to the amount of the damages. We would, therefore, affirm the judgment of the Court of Appeal. The appeal is dismissed with costs. Appeal dismissed with costs. Solicitor for the appellant: R.N. Starr, Toronto. Solicitors for the respondent: Peppiatt & Frost, Toronto.

^[1] [1973] O.R. 233.

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